

THE HISTORICAL DEVELOPMENT OF THE  
APARTHEID IN SOUTH AFRICA

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## PREFACE

South Africa is the only nation with a policy of segregation written into its Constitution. Apartheid is the term applied to this policy of segregation. The term was first employed as a political platform and a proposed national policy in the 1948 general elections in South Africa. It is the object of this thesis to show that this policy had been in vogue many years prior to 1948 and had gradually developed throughout South Africa's history.

I wish to dedicate this study to my wife Shirley, without whose patience, understanding and assistance this could not have been finished. Grateful appreciation is expressed to Professor Leo J. Wearing for his assistance and guidance, as well as to the members of the History Department.

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## CHAPTER I

## AN INTRODUCTION

There is a struggle today in the Union of South Africa that has involved that country since the dawn of its existence. The primary opponents have been the people inhabiting the Union whose racial classification may be termed Caucasian and those inhabitants whose skin is of a darker hue. This struggle, throughout the history of the Union, has at times been openly combatant. However, to a greater extent, it has been an ideological conflict. The conflict primarily revolves around a precept of separation of the races. In more recent years, namely since 1938, this precept of separation has been characterized by one word, apartheid. This word is defined as an abstract noun of the Afrikaners' dialect of Dutch which means apartheid, segregation and separation.

The following study involves the word apartheid, its history and its use as a political policy in South Africa. First, it is necessary to define apartheid in order that the objective of the research be understood. The term apartheid

appeared for the first time in the Afrikaners' dictionary in 1950. There it is defined as:

A political tendency or trend in South Africa, based on the general principles:

a) of a differentiation corresponding to differences of race and/or colour and/or level of civilization as opposed to assimilation;

b) of the maintenance and perpetuation of the individuality (identity) of the different colour groups of which the population is composed, and of the separate development of these groups in accordance with their individual nature, traditions, capabilities as opposed to integration.

In its practical application the policy involves arrangements and endeavors including inter alia measures to effect a degree of purely local or spatial separation, e.g. with respect to residential zones, public utilities, transport, entertainments, etc.; measures concerning political rights, e.g., separate electoral lists, separate representatives in Parliament and in the Provincial Councils; also a territorial segregation, e.g., the fact of reserving fairly extensive territories for the exclusive use of one population-group, e.g., of the various Bantu groups.

The government is adopting a policy of apartheid with regard to the whites, the Cape Coloureds, the Asiatics and the Natives. The overwhelming majority of the whites desire apartheid. Apartheid means simply that each man have his own proper place.<sup>1</sup>

In this definition it is noted that the word segregation is employed. As defined by Webster, segregation is to set apart from others, or to separate from the main mass, or to isolate. In essence, apartheid is the segregational policy of the Union of South Africa.

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<sup>1</sup>Report of the United Nations Commission on the Racial Situation in the Union of South Africa (Pretoria: Government Printing Office, 1953), p. 53.

This policy of apartheid as implemented by the government of the Union of South Africa has been an official policy in the country since 1948. It is employed to maintain political, economic and social superiority as the sole prerogative of the white minority because of the passage of legislation which has placed restrictions on the entire populace. This white minority, which elects the legislators, claims to be protecting itself from extinction should the non-whites ever assume control over the operations of the government. The policy is strictly enforced.

When one deals with the Union of South Africa whether it be in the area of recent history, political science and economics, or whether it be a period of history concerning its settlement, independence and republicanism, there are terms concerning various segments of the South African population which need to be defined.

In South Africa it is customary to speak in terms of reputedly clearly indivisible entities with pure and exclusive characteristics when referring to one of the three divisions of the population, namely, European, coloured and native.

The classification European is defined by South African law to mean any white South African. In the vocabulary of the South African the term is not limited to

those born of white parents who are residing in Europe but is enlarged to provide for descent. A further division of the white population group is made by the use of the term Afrikaner. This name was first employed in 1706 or 1707 to define a pioneer. It has come to mean or to include all those South African whites whose first language or mother tongue is Afrikaans, which is a language unique to South Africa in that it is a dialect of the Dutch language developed by these settlers early in the eighteenth century. The term Afrikaner also comprises, according to practice, the English-speaking section of the white South African population. In more recent years, the Nationalist party (incumbent since 1948) has used the term to include only Afrikaans-speaking, white South Africans and possibly a narrower application--only those who are Nationalist-oriented and Calvinist. In this study the term European will be used to denote a white South African, including the Afrikaner, unless otherwise indicated.

The term coloured is applied, according to South African law, to those persons who are not white and who are not Africans or Asians. This means that a coloured person is any person of mixed non-native and native descent.

The term native is used interchangeably with the words, Kafir, Bantu and African. Kafir is not so commonly

used in recent years because of an abusive connotation dating back to the Kafir Wars in South Africa's history. The term African is usually taken to mean, according to South African law (the Bantu Education Act, No. 47 of 1953), "any person who is generally accepted as a member of any aboriginal race or tribe of Africa."<sup>2</sup> The use of the term native has created many difficulties. The sole test to determine who was a native was through descent. However, detribalization, westernization and urbanization made ascertaining descent a practical impossibility. In this study, the term native (unless otherwise indicated) will denote the darker-skinned inhabitants other than Asian and suntanned whites living on the continent of Africa. This group includes the Kafir, Bantu and the African.

In the Republic of South Africa the government is completely dominated and categorically ruled by a white aristocracy elected to office by 3,008,492 white inhabitants as opposed to a total population in the neighborhood of 16,002,797 persons. The remainder of the population is made up of 1,986,383 coloureds and 10,927,922 natives.<sup>3</sup>

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<sup>2</sup>K. L. Raskam, Apartheid and Discrimination (London: A. W. Sylhoff, 1960), p. 160.

<sup>3</sup>A. Gordon-Brown (ed.), The Year Book and Guide to Southern Africa (London: Robert Hale Ltd., 1965), p. 25.

Although the South African constitution provides for native and coloured representation in government, their representatives must be members of the white or European designated group.

The object of this study is to trace the theory of apartheid and its historical lineaments. Therefore, the history of apartheid will be traced from the seventeenth century when a Dutchman first settled the area now known as the Cape Colony or Capetown, to the present, with special emphasis placed on the elections of 1948 when the theory of apartheid was first employed as a proposed national policy and a political platform of the Nationalist party. It is the official policy of the Republic of South Africa to claim the origin of apartheid as being conceived by the incumbent party in the elections of 1948. This is historically untrue, as the practice as defined above was actually in existence since the founding of the colony in 1652.

## CHAPTER II

## PRE-CONSTITUTIONAL SOUTH AFRICA

The Republic of South Africa traces its history to the settlement of the Cape Colony area in the middle of the seventeenth century when a group of hardy souls landed from Europe. Actually, the Cape was first discovered in 1487 by a Portugese explorer, Bartholomew Dias, who never landed at the Cape, but named it the Cape of the Storms.

The world situation during the next 150 years reflected a growing competition in the field of commerce.<sup>1</sup> In 1602 the Dutch East India Company was formed, which guaranteed the financial stability and the administrative control required for the successful prosecution of commerce with the remote islands near Asia. By 1640 the Company had established trading stations in the East Indies with their headquarters in Batavia, Java. The voyage from Europe

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<sup>1</sup>When the Netherlands revolted from the Catholic rulers of Spain, the Dutch had the opportunity to further their world leadership in trade, by gaining footholds in the East Indies. Arthur Keppel-Jones, South Africa (London: Hutchinson University Library, 1949), p. 14.

around the Cape was a frightening experience and placed considerable strain upon the crews and their captains. This situation could only be alleviated by the establishment of a half-way house or refreshment station. The most logical place was considered to be in the area of the Cape itself, but the company considered it infeasible and inopportune to set it up in this area. They changed their minds, however, in 1648 when a party of shipwrecked seamen from the ship Haarlem convinced the company that a depot established at Table Bay could regularly provision the fleet.<sup>2</sup> It was decided to send a company to this area and establish a refreshment station.

In April, 1652 three vessels dropped anchor in Table Bay and the history of European settlement in southern-most Africa began with the landing of Surgeon Jan van Riebeeck from the ship, Goede Hoop. Van Riebeeck's party consisted of Dutchmen and Germans recruited in the Netherlands by the Dutch East India Company. Each person was under contract for three years and his orders were to provide vegetables and meat to the company's vessels. It was hoped, at first, that as long as the price was not too high that various commodities might be obtained largely through trade with the

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<sup>2</sup>The crew had found friendly natives, good pasture land, water, and natural food provisions when they landed on the Cape. George M. Theal, South Africa (London: G. P. Putnam's Sons, 1894), p. 21.

Hottentots, a small, yellow-skinned, semi-nomadic, pastoral people who, although comparatively few in numbers, were the main inhabitants of the Cape in the seventeenth century. Because they were not numerous, the various units of the tribes were spread over a large area, which meant searching for a unit when the company needed to trade. This proved difficult and the company took to raising flocks and herds on their own and using the free men from among the colonizers. The practice of trying to do the work of a farming community while being a garrison under military control worked only to a slight degree. The first years were so bad that the refreshment station was being refreshed by their customers, the ships of the fleet.

In 1657 the Dutch East India Company, at van Riebeeck's request, allowed nine of the company servants to become landholders. They were given small holdings of  $13\frac{1}{2}$  acres, free of taxes, on which they were bound to live for twenty years, and they were to supply the company with its requirements at fixed prices. With the adoption of this policy the freemen began pushing out from the original settlement to establish their farms. A plakkaat or government notice of van Riebeeck's forbade the white inhabitants to receive the Hottentots into their dwellings. As the farmers pushed into the interior they occupied lands

traditionally the pastures of the Hottentots. This was not enthusiastically accepted by the Hottentots and the first open conflict took place in 1659 with an attack on the Dutch livestock. The settlers, in turn, responded with open attacks upon the natives. Due to these encounters and a series of misfortunes--epidemics of smallpox and pneumonia being the worst--the Hottentots lost their independence and became dependent upon the Dutch stock farmers. They became herdsmen and laborers for the settlers. Thus the demand for this labor began to dominate the scene and has proved ever since to be decisive in relations between white and non-white ethnic groups in South Africa.

Along with the Hottentots there was another aboriginal group in the area to the north of the initial settlement. These people were called Bushmen. The Bushmen were a more primitive people than the Hottentots, maintaining a Stone Age existence, and they created almost perpetual war with the settlers. As the white farmers occupied the interior where the Bushmen had roamed hunting game, the Bushmen found the white man's cattle to be an adequate substitute for their disappearing antelope. Because of their hunting, the Bushmen were regarded as incorrigible cattle thieves; because of their poisonous darts and arrows they were pictured as deadly and perpetual enemies and as

such, worthy of no consideration. To deal with these Bushmen, the celebrated Commando System was first organized, which virtually exterminated the Bushmen in the northern parts of the Cape.

During the first ten years of the colony, the government was vested in the Commander and his Council, which was a ship's council. The personnel varied but its composition was Leviathan.<sup>3</sup> It was the executive who uttered the magic formula, "ik neem haet op mij."<sup>4</sup> thus overriding the Council's advice. At first this embryonic government had only three classes of people with which to deal: the company's servants, Bushmen and Hottentots. The servants were a mixed party, for the company recruited men of all classes and nations for its service; but they were under strict discipline, and for the first five years there were neither free burghers nor slaves to complicate the issue.<sup>5</sup> At first, the native problem appeared to be equally simple,

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<sup>3</sup>Leviathan is taken from Thomas Hobbes' political treatise of the same name, written in 1652, which upholds the supreme authority of the sovereign.

<sup>4</sup>"I take it upon myself." For further information, see Raskam, op. cit., chap. 11.

<sup>5</sup>Slaves were not imported until 1658 from Angola and the Guinea Coast to assist with the farming and cattle raising. George M. Theal, Native Races of South Africa (London: G. P. Putnam and Sons, 1898), p. 21.

for it was not until 1685 that the settlers recognized the distinction between the Bushmen and Hottentots. To these early settlers the natives were simply natives: "dull, stupid, lazy, and stinking in the eyes and nostrils of the colonists."<sup>6</sup>

During van Riebeeck's tenure of office, marriageable women were very scarce. For this reason he recommended mixed marriages, and miscegenation began between detribalized Hottentots, Asiatics and Moslems sent from India for expiation of crimes; soon, three-fourths of all slave children were half-breeds and these were the beginnings of the Cape coloured people.

In 1662 van Riebeeck was promoted with a transfer to the East Indies, where he died in 1677. His policy toward the natives while he commanded the settlement could be termed expedient: he would issue policy concerning them when the need arose or when it was necessary to reestablish boundaries. However, from the beginning, it was policy dictated by the needs of the white community. At first, van Riebeeck issued policy which forbade the natives from even entering the dwellings of the whites, yet when he realized that women were scarce he issued another policy permitting miscegenation. There was a mixture of both integration and segregation

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<sup>6</sup>Ibid., p. 19.

in his policy; he maintained a separation of the Bushmen and at the same time allowed the Hottentots to become part of the community. Also during his term, the Hottentots became the domestics or hired hands for the settlers. However, the Bushmen were completely estranged from the community, due to their hostility.

Van Riebeeck's successor for the next four years was Zacharias Wagenaar, who during his tenure established a fully organized Church, subject to the spiritual control of the presbytery in Amsterdam. This was his sole contribution to the Cape colony. His successors for the next twenty years did little to change the existing policies of the Cape.

During this period after van Riebeeck's departure, slavery continued in order to help the new farmers. However, it was more trouble than it was worth, since slaves were imported from the East Indies and they spoke a different language. They did not understand their masters and began stealing and running off. This caused new complications with the Hottentots, who began a new series of raids which lasted one year, after which they made overtures of peace to the settlers. Reconciliation was made and the terms stated that neither party would molest the other; that cattle should be brought to the colony for sale; that the Europeans could keep their lands; and that any European

who molested a Hottentot should be severely punished.<sup>7</sup>

Immigration to the small colony<sup>8</sup> was very slow, as it was not subsidized by the Dutch East India Company and colonization was not advertised. Importation of slaves began increasing until soon the slaves outnumbered the free settlers and there arose a growing need for white immigration. At the same time in 1716, the Governor of the Cape, William Adriaan van der Stel, had trouble with the settlers who claimed he was milking them to fill his private coffers at home. These two problems forced the company to consider the important question of whether to assist white immigration. The revocation of the Edict of Nantes by Louis XIV drove thousands of Protestant families from France to Holland. By using these people the company was able to send approximately 400 families of good calibre to South Africa.

Still the importation of slaves continued and by allowing slavery to take a firm root and the native to become indispensable as a servant to the white settlers, the Dutch East India Company contributed to a way of life in the colony. Every white man became a gentleman of leisure, owning a plantation as opposed to a farm, and he considered it shameful to have to work with his hands.

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<sup>7</sup>Theal, South Africa, p. 40.

<sup>8</sup>At that time there were only 1,392 settlers on the Cape. Ibid., p. 12.

Although the farmers were prospering, the Dutch East India Company was floundering toward the close of the eighteenth century. The problem with the natives kept recurring in the first and second Kafir Wars, 1779 and 1789 which lasted until 1793.<sup>9</sup> During this period of history, the French revolutionary armies defeated Holland and a treaty with the new Dutch government allied Holland with France against England. Realizing the strategic value of occupying the Cape colony, the British occupied the area in 1795 and declared the Earl of Macartney the military governor. One of Macartney's first acts concerning the natives was to issue a proclamation excluding all Kafirs from the colony, and a few years later Governor Sir S. F. Craddock drove them back to the Fish River. With the British occupation of the Cape colony the Hottentots were recognized as tribal organizations. However, they did not come within the legal system prevalent at the Cape. It was said that "only if a white man or his slave were involved in a dispute with a Hottentot, was the law [that was] valid for the whites, applied to him."<sup>10</sup>

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<sup>9</sup>The Kafirs were a large tribe belonging to the Bantu group who had migrated southward from the Great Lakes at about the same time as the whites began moving northward.

<sup>10</sup>Raskam, op. cit., p. 18.

In 1807 Great Britain abolished the slave trade and no more slaves could be shipped to the Cape. As farming expanded, this led to a shortage of labor on the land. The Hottentots were not willing to work and the authorities were asked by the Afrikaners to bring pressure upon them to work for the Europeans. In 1809 the first civil governor, the Earl of Caledon, introduced a pass law for the Hottentots. Under it, all males not working for whites were classified as vagrants and any Hottentot who was a vagrant could be punished unless he carried a pass. The only way he could obtain a pass was to enter into a labor contract with a white farmer. Those who did not were arrested and hired out to the farmers as punitive measures. The pass law further required them to register their places of abode and restrained them from moving about the country. This measure, together with those slaves already in the Cape, established in South Africa a class structure along lines of skin color and physical characteristics. This structure gave the whites, by birth, a status to be served rather than to serve, which prevented them from having to work with their own hands, since they considered that below their station. The abolition of slavery did not put an end to this situation.

In 1812 a law was passed in Great Britain wherein cases of mistreatment of native servants were to be

prosecuted before circuit courts. The circuit courts of 1812 became known as the "Black Circuits," as they produced the first bitter conflict between colonial opinion and missionary influence. These courts led to the following retort from the colonists:

We are resolved wherever we go, that we will uphold the just principles of liberty; but whilst we take care that no one shall be held in a state of slavery, it is our determination to maintain such regulations as may suppress crime and preserve proper relations between Master and Servant.<sup>11</sup>

In 1815 an insurrection arose, sometimes called the Slagter's Nek Rebellion or the Rebellion of 1815. It began due to the prosecution in the circuit court, of a farmer, Frederick Bezuidenhout, in the Eastern Cape Province. He was charged with ill-treating a native servant and was summoned to court. When he ignored this and other warnings, Lieutenant Frans Rossouw and twelve Hottentot soldiers were sent to arrest him.<sup>12</sup> He resisted and was killed. His companions were brought to trial for aiding him, found guilty, and sentenced to death. The sentence was carried out in public with some cruelty, causing great indignation among the settlers.

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<sup>11</sup> Cornelius W. DeKiewiet, A History of South Africa, Social and Economic (Oxford: The Clarendon Press, 1941), p. 40.

<sup>12</sup> Ibid., p. 45.

Accusations of gross ill-usage were preferred against the farmers by members of the London Missionary Society, particularly James Read. Neither Read nor his colleagues bothered to distinguish between genuine cases of maltreatment and a host of exaggerated, and for the most part, baseless charges. Due to this immoderation in accusations against fairly responsible colonists, strong protests were lodged against the London Missionary Society.

To investigate these protests, Sir John Phillip landed at Capetown in February 1819 as superintendent of all London Missionary Society stations in South Africa. Sir John's solution was to declare his philosophy on the native problem. He stated that the native could not attain a civilization of his own unless he was allowed to occupy land and enjoy the full protection of the law. He proposed segregation for one or two generations, which to his thinking would raise the native to a level of substantial equality with the European colonist.

Due to Sir John's insistence that something had to be done to effect a settlement of the native problem, Acting-Governor Bourke (1826-1828) proclaimed the famous 50th Ordinance in 1828. This Ordinance revoked all legal and customary restrictions on the Hottentots and other free persons of colour as to choice of domicile, way of life,

and choice of employment. Although this document did not recognize complete equality it did effect some relief in the native problem. This Ordinance reads in part:

No Hottentot or other free person of colour, lawfully residing in the colony shall be Subject to any compulsory service to which other of His Majesty's subjects therein are not liable nor to any hindrance, molestation, fine, imprisonment or punishment of any kind whatsoever under the pretence that such person has been guilty of vagrancy, or any other offence unless after trial in due course of law, any custom or usage to the contrary notwithstanding.<sup>13</sup>

The Ordinance of 1828 remained in effect for the next thirteen years. During this period, however, two events occurred which caused the revocation of the 50th Ordinance and led to the institution of a harsher ruling. In 1833, Great Britain's Parliament passed the British Emancipation Act which in essence abolished slavery in the Empire. It provided that slaveholders throughout the colonies would be compensated monetarily for their slaves for which Parliament allotted twenty million pounds. The Cape colonists only received 1,247,000 pounds and this caused a great deal of resentment among the slaveholders in the Cape area. The British Parliament continued to pass measures for the benefit of the Hottentots which along with the

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<sup>13</sup>G. W. Eybers (ed.), Select Constitutional Documents in South African History 1795-1910 (London: n.n., 1918), No. 20, sec. II, p. 26.

resentment toward the Emancipation Act caused the second event in the era, the Great Trek. The Trek, as it is commonly called, is similar in nature to the pioneers of the United States moving westward along the Santa Fe and Oregon trails. The Trekkers simply substituted the Fish River for the two trails in American folk lore. Sir Benjamin D'Urban, Governor of the Cape from 1834-1838 wrote that the causes of the Trek were "insecurity of life and property occasioned by recent measures; inadequate compensation for the loss of slaves and despair of obtaining recompense for ruinous losses of the Kafir invasion."<sup>14</sup> Mrs. Anna Steinkamp, a sister of Piet Retief,<sup>15</sup> stated that the chief reason for the exodus was that

slaves were placed on equal footing with Christians contrary to the laws of God and the natural distinction of race and colour, so that it was intolerable for any decent Christian to bow down beneath such a yoke. We therefore withdrew from the Cape in order to preserve our doctrines of purity.<sup>16</sup>

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<sup>14</sup> Laurence Edwin Neame, The History of Apartheid; the Story of the Colour War in South Africa (New York: London House and Maxwell, 1963), p. 19.

<sup>15</sup> As a Boer, he was one of the heroes of Afrikaner history. He led the first Great Trek and issued a proclamation to the Cape government stating the reasons for the Trek.

<sup>16</sup> Neame, op. cit., p. 19.

These Trekkers came to be known as the Boers and they moved North into the wilderness where they established Republics with constitutions upholding no equality between black and white.

The governing people at the Cape, after realizing the effect that the Trekkers were having on the colony's economy, decided to pass some legislation which would lure the Boers into remaining in the Cape area. The most noteworthy and preserving law passed at this time was the Masters and Servants Law of 1841. This law abrogated the 50th Ordinance of 1828 because it did not mention Hottentots, only servants. Therefore, the slaves and Hottentots were grouped into one category, coloureds. This law in the minds of many South Africans finally brought equal rights to civilized man and became the basis of a homespun philosophy termed "Cape Liberalism" which will be dealt with in a later chapter.

## CHAPTER III

## THE DEVELOPMENT DURING THE CONSTITUTIONAL ERA

The second half of the nineteenth century saw no revolutionary trend in race relations in the South African colonies, with the basic attitude of the authorities toward the non-white still founded on the official pattern of Ordinances 49 and 50. The native was expected to cultivate new "civilized" customs so that he could be drawn into the economic policy of England, namely, mercantilism.

During the first part of the nineteenth century, Britain had one policy for the natives and a separate policy for the European settler. During the second half of that century, England abandoned this concept chiefly due to two reasons. First was the failure of the treaty system between Britain and the native chiefs when Sir Harry Smith, Governor of the Cape Colony, was ordered by Downing Street in 1847 to revoke all treaties with the natives. The second cause was a rise in British Imperialism (a result of the Industrial Revolution in Europe) coupled with economic materialism which concentrated on overseas raw materials.

The breakdown in the native treaties came about through a misunderstanding of tribal organization. The native knew only communal tenure of land ownership as opposed to private ownership as conceived by the European; a native chief was no more than a trustee of tribal ground and could never alienate any part of this land. No chief, therefore, could assent to a boundary treaty with the white man.<sup>1</sup>

The British policy during the nineteenth century was avowedly anti-expansionist. In reality, if the cost of expansionism was relatively minor or insignificant, then the government's policy dictated absorption of all territories which did not drain the treasury. In South Africa, British policy had separated the Empire's southernmost holdings in South Africa into four entities: the Orange River Sovereignty, the Transvaal Territory, the Reserves of Natal, and the Cape Colony.<sup>2</sup> This separation was necessitated by the

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<sup>1</sup>Dudley Kidd, Kaffir Socialism and the Dawn of Individualism: An Introduction to the Study of the Native Problem (London: A. & C. Black, 1908), chap. 11.

<sup>2</sup>The Cape Colony comprised the territory in the extreme South running the width of the continent; the colony of Natal was located North and East of the Cape Colony on the Indian Ocean; the Orange River Sovereignty was directly North of the Cape Colony; and directly North of Natal was the most northern colony, the Transvaal.

Kafir wars and the reluctance of the Boers (Afrikaners) to accept British rule, for the more England forced her laws on Africa, the farther North the people trekked. In each of these entities, there were feuding factions of natives, Boers, and Britons.

Sir Earl Grey, Prime Minister of England, believed that some part of the above-mentioned problems could be solved through the use of great armies of "Sepoys"<sup>3</sup> protecting the natives as well as British interests. The "Sepoys" would be financed through the taxation of the colonists, thereby keeping Britain's treasury unused. Sir Harry Smith, Governor of the Cape, initiated the use of these native troops. He believed that these police would effectively control the factioning tribes, while the British Commissioner controlled the Afrikaners, but the native police rebelled in the face of trouble and the Afrikaners scorned British rule. Also, the territory encompassed by the present state of South Africa was so vast, that British rule was hindered from being effective. Thus, it became more and more expedient to allow the northern areas of the Orange River Sovereignty and the Transvaal to fend for themselves. Due

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<sup>3</sup>The term Sepoy originated in India and was applied to the native troops commanded by British officers.

to several conditions<sup>4</sup> hostility grew in the Transvaal, which for all practical purposes maintained de facto independence, and this hostility encouraged rebellious tendencies in the Orange River Sovereignty. If the Orange River Sovereignty followed the lead of the Transvaal in rebelling against the British, the Crown would lose two vast areas of territory.

Sir Earl Grey's doctrine of non-intervention made it evident that the Transvaal would remain independent. With this in mind, a convention was negotiated at the Sand River on January 16, 1852 which guaranteed mutual noninterference between the Transvaal Boers and the British government. The Imperial government, in exchange for a promise that there would be no slavery in the Transvaal, agreed to disclaim all alliances "with the coloured nations to the north of the Vaal River."<sup>5</sup> Grey believed that if the Boers treated the natives too harshly, the natives would take refuge in Natal and thereby ease the problem of the native labor shortage in the Reserves. He also felt that if the Boers wished the responsibility of self defense, the British would grant it

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<sup>4</sup>One of these conditions, pertinent to this paper, was the return of the rebellious Boer leader, Andries Pretorius, who had led the Afrikaners against the British and for which a price of £2000 was placed on his head.

<sup>5</sup>Eybers, op. cit., pp. 357-359.

in order to maintain their sovereignty in the Orange River Territory. On the other hand, if the Boers refused to maintain their self-defense, then the British would withdraw and thereby compel the Boers to protect themselves. In any case, the British would be relieved of the expenses of policing the northern borders provided the Boers "after their fashion would keep the Kafirs at bay."<sup>6</sup>

Meanwhile, the native problem in the Orange River Sovereignty was steadily growing worse. The natives there were led by an able chief named Moshesh who had been instrumental in unifying the various disaffected tribes. Due to this unifying power, he was considered the foremost native in the Sovereignty. For a short period of time he had paid lip service to British authority. However, in 1851, he persuaded some chieftains within his domain to create disturbances among the Europeans. Sir Harry Smith, the Cape Colony Governor, did not comprehend the vast strength of Moshesh and sent Major Charles Warden to punish the perpetrators. Warden proceeded to walk into a trap and his force was soundly defeated. This defeat surprised the entire European populace, none of whom believed that the natives were so strong.

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<sup>6</sup> John S. Galbraith, Reluctant Empire: British Policy on the South African Frontiers, 1834-1854 (Berkeley: University of California Press, 1963), p. 262.

Moshesh thought that by allowing some of the lesser chiefs within his territory to stir up trouble, he might become the only predominant native chief in the Orange River Sovereignty and if these lesser chiefs were not killed at least they would have threatened the white man. Moshesh's motives were mainly personal. After the defeat, some of the Boers who were disenchanted with the British made a treaty with Moshesh for mutual non-interference. At the same time, the Boers also requested Andries Pretorius to bring their grievances to the British. When Sir Harry Smith was notified that the Boers had made a treaty with Moshesh and were uniting under Pretorius, he realized that the British in the Orange River Sovereignty would be at the mercy of the natives. Contemplating this and knowing the expense involved in another military campaign on the Orange River, he requested London to recognize the independence of the Transvaal. This decision culminated in the signing of the Sand River Convention which changed the name of the Transvaal to the South African Republic.<sup>7</sup> However, even after the Convention, Moshesh allowed his people to plunder and murder the Europeans. Finally, a large body of troops

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<sup>7</sup>For purposes of brevity, the entire Convention will not be cited. However, for further information consult Eybers, op. cit., pp. 362-363.

led by Sir George Cathcart marched into the Orange River Sovereignty to quell the natives. Again, the native strength was underestimated and instead of conquering the natives, the result terminated in a stalemate.

For some time prior to this campaign, the British home government had been undecided about keeping its forces overextended in order to retain the Orange River Sovereignty. When word reached England of the military stalemate existing in that colony, the next mail brought a dispatch from the Secretary of State for the Colonies that the territory should be abandoned. Another reason for the British withdrawal from the Orange River Sovereignty was the idea that a strong Boer republic could maintain order on the Cape's northern frontier and a "sinkhole of endless imperial expense"<sup>8</sup> would be converted into a source of profit. This landlocked republic, then, would be economically dependent on the power that controlled access to the sea. This was a point of view having strong appeal for the coalition government of Lord Aberdeen that took office in December, 1852. His Chancellor of the Exchequer, William E. Gladstone, attended meticulously to the economy of the budget. This economy dictated a retreat south of the Orange River.

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<sup>8</sup>Galbraith, op. cit., p. 268.

To carry this resolution into effect, Sir George Russell Clerk was sent as the Commissioner. He called upon the Europeans to elect a body of representatives to head their government but the people feared that the withdrawal of the British force would signal another native uprising. Clerk devised a plan in which he allowed various disaffected Boers to convince the people that Britain must withdraw in order to preserve the freedom and independence of the Afrikaner. The convincing was a relatively simple goal, due to the hatred of the Boers for the British.

At the same time, the Sand River Convention, drafted in 1852, was being violated by the South African Republic. The fourth article of the Sand River Convention "agreed that no slavery shall be permitted in the country to the North of the Emigrant Farmers."<sup>9</sup> In the "Grondwet" or the fundamental Constitution of the South African Republic drafted in 1855 and adopted in 1858, it was determined that "the people (the Boers) will suffer no equality of whites and blacks, either in Church or in State."<sup>10</sup> Paragraph 31 stated that "no coloured persons nor half-castes are admitted to meetings of the Volksraad"<sup>11</sup> nor to any civic

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<sup>9</sup>Eybers, op. cit., p. 363.

<sup>10</sup>Ibid., p. 363.

<sup>11</sup>The Volksraad is the Afrikaner term for the Republic's legislature or council.

privileges."<sup>12</sup> On the other hand, the "Kriegsmagt" or army, comprised "if necessary, all the coloured people in this country, whose chiefs are subject to it."<sup>13</sup> Paragraphs 104 and 105 read "to the Assistant Field Cornets . . . is entrusted the preservation of order . . . in case of internal insurrection of the coloured people."<sup>14</sup> This meant maintaining the native chiefs in their duties which included not only keeping order among their people but furnishing labor as and when it was needed. Whatever outward appearances there might have been of ceasing to enforce servitude from the Blacks there was indubitable evidence that little more than a change of name for it was effected. A new system of virtual slavery was invented and prevailed under the plausible name of "apprenticeship."<sup>15</sup>

In the Transvaal, the principle of racial separation was stressed officially again and again. A resolution taken

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<sup>12</sup> Eybers, op. cit., p. 363.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid., p. 364.

<sup>15</sup> In principle, apprenticeship was a method whereby the children brought by native tribes whose parents had been slain in tribal wars were apprenticed to Afrikaner masters for a limited period usually until they reached their twenty-first or twenty-second birthdays. Since the ignorant, native apprentices had no means of knowing their years, some of them took much longer in reaching their 21 years than most of mankind. LeRoy Hooker, The Afrikaners (Chicago: Rand McNally and Company, 1900), p. 124.

by the Transvaal Volksraad in June of 1855 stipulated that all natives were excluded from citizenship. Article 9 of the 1859 Constitution read: "The people do not desire equality between coloured and white."<sup>16</sup>

In February 1854, Commissioner George Clerk arrived in Bloemfontein, Orange River Sovereignty, to negotiate a convention similar to the one at the Sand River which would establish the conditions for the independence of the Orange Free State. Representing the British Government, Clerk guaranteed the future independence of the new Republic and provided that the inhabitants would be free from allegiance to the Crown. He further stipulated that no treaties were to be made with the native chiefs in the area. The Orange Free State promised in return that there would be no slavery. This agreement became widely known as the Bloemfontein Convention. The Orange Free State then adopted a Constitution which established a republican form of government. It required a president, as the principal officer, to be assisted by an executive council. The Volksraad was the supreme authority and the members were elected every four years. The franchise was granted to all European males of full age who had become burghers and were in possession of unmortgaged landed property valued at £150 or were lessees

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<sup>16</sup> Green Book No. 1 (Pretoria: State Archives, 1894), p. 15.

of landed property at a yearly rental of £36 or were in receipt of a fixed yearly income of £200 or had been a resident in the State for three years and possessed movable property worth £300.<sup>17</sup>

In reality, men of coloured blood, who lived in all respects like Europeans were awarded the privilege to vote by special resolution of the Volksraad, and some natives, living in the same way, went to the polls unquestioned. But the principle was clearly maintained that the government represented the "civilized" inhabitants of the country and that those who were "uncivilized" could have no voice in its formation. However, they were to be protected equally with electors and have the same judicial rights.

The South African Republic and the Orange Free State Constitutions were based on the principle that there must be no equality between black and white, while in the Cape Colony the colour bar was fading and non-whites were given voice in local government. Natal developed a non-white policy that differed from the Cape Colony. Thus three separate means of dealing with the non-whites were developing in four separate political entities that eventually would emerge as the Union of South Africa.

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<sup>17</sup> Eybers, op. cit., p. 364.

In 1853, London decided to grant the Cape Colony parliamentary institutions and thereby, representative government. On March 11, 1853 a Constitution was promulgated by order of the Council and two legislative chambers, the Legislative Council and the House of Assembly, were created. The right to vote was granted to every male British subject over 21 years of age who occupied a house or land worth £25 or who was in receipt of a salary of £25 a year with board and lodging or £50 without board.<sup>18</sup> There was no distinction as regards race or color or religion or manner of living. However, the restrictions of property placed the vote out of reach of the native and the coloured populations. The officials who formed the executive council and were the governor's advisors continued to be sent from England no matter what the new legislature thought of them. This advisory council framed all government bills and no measure of a monetary nature could be brought before the House unless introduced by the advisory Council, which possessed the right of discussion, but not voting, in both chambers.

In 1854 Sir George Grey was appointed Governor and High Commissioner of the Cape Colony. As a former governor in New Zealand, he had endeavored with some success, to

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<sup>18</sup> Ibid., p. 365.

incorporate colonists and Maori tribesmen into a single society. In the Cape Colony, the chief obstacle was the power of the chiefs. Grey proposed by degrees to replace the power of the chiefs with that of the white magistrates. His plan was to offer the chiefs a regular stipend in compensation for the loss of fines previously levied by their councils. The funds for this purpose were made available by the levy of an annual hut tax. So far as the chiefs continued to govern, they would do so as Agents of London. The new policy proved successful, at least judicially, and in a few years, criminal jurisdiction became the exclusive province of the white magistrates. Grey, moreover, took important steps toward insuring the economic and social welfare of the tribes under his control. He was a pioneer in education for the natives and a founder of the natives' hospital services. Unfortunately, Grey combined these achievements with plans for furthering European settlement in native areas, for he believed that the most rapid means of civilizing the tribes were to interpenetrate the native country with white settlers. The only reason for the initial success of this plan was the self-extermination of the Xosas and Tembus tribes in 1857.<sup>19</sup> Grey's native

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<sup>19</sup> The extermination came about due to fears of loss of Bantu customs from Grey's new policies. Native "prophets" advised their people to "sacrifice to the gods" their cattle, and to destroy their crops, for their sacrifice would bring

administration, unfortunately, was hampered by a shortage of funds. Grey's advisors recommended the appointment of resident superintendents to govern tribal locations, much the same as the Indian Agent in the United States. Unable to pledge Imperial revenues, Grey suggested the establishment of tribal governments to replace the superintendents, with the local government's supporting the authority of the chiefs and the prestige of the tribal law. The British Crown once again rejected this solution due to the need for economy. There remained only the expedient policy of keeping the two races apart as far as possible.

By the Conventions of the Sand River and the Bloemfontein, the British government had bound itself to enter into no treaties with the natives and to prevent these natives from acquiring ammunition to protect themselves. At the same time, Britain abdicated all control of the Boers, thereby allowing them to govern the natives at their discretion. Sir George Grey was opposed to these Conventions

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a return to life of past heroes capable of driving the white man into the sea. The natives obeyed their "prophets" and thousands died of starvation. Available figures estimate 60 to 70 thousand suffered from malnutrition. Grey rushed food supplies to help but he also took advantage of the resultant disorganization to forge ahead with the white settlement. For further information, see Theal, South Africa, p. 315.

and demanded reintervention of the British forces to re-evaluate the terms. However, British policy remained stubborn.

The Orange Free State and the Transvaal were not alone in their treatment of the native. The colonists in Natal found a definite shortage of native labor during the 1850's, particularly since the natives were not suited for work on the sugar plantations. In 1859, the Natal Legislative Council passed Law No. 14 empowering the government to import Indian coolies. These imported Indians entered the Colony as "indentured" servants. There were six principal features of the indentured labor system:

Those persons who were recruited bound themselves to go to a distant and unknown land; to work for any employer in whose choice they had no vote; to live on the estate of the employer, not going anywhere without special permit; to do whatever tasks were assigned. The contract was for a fixed period, usually for five years, during which time they could not voluntarily withdraw. They had to work during the fixed period for a fixed wage, usually lower than free labor, and be placed under a special law which imposed a criminal liability for the most trivial offenses of negligence or carelessness.<sup>20</sup>

The Natal government passed Law No. 2 of 1870, of which Section 15 stated:

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<sup>20</sup>Pranshankar S. Joshi, The Tyranny of Colour: A Study of the Indian Problem in South Africa (Durban: South African E. P. Commercial Company, 1942), pp. 44-45.

When any Coolie immigrant shall be desirous to commute his right to a free passage for the value in land equal to the amount of the cost of such passage and the Lt. Governor shall see fit to grant such immigrant . . . a piece or parcel of land . . . such immigrant shall have the same in lieu of his right to full passage.<sup>21</sup>

After the completion of their indentured contract, the Indians began thriving in all pursuits of life: agriculture, business, etc. This success embittered the Europeans who thought they saw the beginnings of a new class of competition in a non-white. Gradually the prejudice against the Indian grew. The Europeans felt it was right and fitting that they should be served by coloured people, properly subordinate and submissive and filling mainly the menial occupations which they would not accept for themselves. It seemed wrong to many Europeans that the brown-skinned people should have an independent status, aspiring to wealth and education. Natalians came to believe that all possessors of a white skin should ipso facto be superior to all brown or black skins and they were completely ignorant of India's great civilization, magnificent works of art, lofty literature, and profound system of philosophy. Thus, agitation for anti-Indian legislation began in the 1880's.

In the colony of Natal, the Minister in Charge of Native Administration carried out policies that were to lay

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<sup>21</sup> Ibid., p. 46.

the foundation for apartheid. This man was Theophilus Shepstone. Through his policies he prevented what might have been a disaster to the European population of Natal. Shepstone relocated the natives to Reserves without the loss of life or the use of military force. He reconstituted the broken tribal system by gathering the remnants of the tribes and placing them under the authority of a descendent of the former chiefs within each location, and native law was brought into operation. At the head of the entire structure stood the Lieutenant-Governor as the "Supreme Chief," with Shepstone as his official voice.

Shepstone's policy in Natal was essentially an attempt to combine native law and government with ultimate European control. Within the locations, chiefs ruled, but only as officers of the "Supreme Chief." The proclamation of the latter's authority made it possible to control the administration of justice without infringing on the authority of the individual chief. Through his policies, Shepstone won the entire confidence of the natives. However, he believed that the progress and development of the native must not be at the expense of genuine European interests.

In the Cape Colony a philosophy was engendered which later became known as "Cape Liberalism." A system of exemption from native laws, provided in the statutes of

1864-65, gave the educated native an opportunity to free himself from the restrictions of the tribal system and assume the civil rights and obligations of the Roman-Dutch law of the Colony. After seven years (the requirement for exemption from native law) the native might become further qualified for the exercise of the franchise though this concession was left to the discretion of the governor. In practically all cases, the franchise was withheld. The difficulties of administration were further aggravated by the attitude of the European colonists whose paramount consideration was the supply of native labor.

Meanwhile, in 1867, a child on a farm in the Cape Colony was observed by a trader to be playing with a remarkably brilliant stone. The trader, suspecting it to be of value, sent it to an expert in Grahamstown. It was appraised as a diamond of 21 carats weight and valued at £500.<sup>22</sup> Thus, the era of diamonds and with it an industrial revolution, dawned on South Africa.

This discovery of diamonds gave South Africa its calling card to the world. Prior to this, wool had been the chief export from the Cape Colony. However, this export was superseded in quantity by Australia and New Zealand. The

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<sup>22</sup> Theale, South Africa, pp. 322-323.

diamond fields were South Africa's first industrial community. They were the windfall for South Africa that wool was for Australia, mutton for New Zealand, and wheat for Canada. With the diamond discovery, South Africa faced for the first time the modern problems of capital and labor, for it was confronted with a new competition between black and white inhabitants, not for land and cattle, but for a place in industry. From the beginning, diamond mining became vitally and irremediably dependent upon native labor, for many natives came to work in the fields because their tribal life and economy had been disrupted. From 1867 on, the South African native problem was urban and industrial and not simply rural.

Sir Richard Southey, the first Lieutenant-Governor of Griqualand West<sup>23</sup> vainly tried to apply the liberal laws of the Cape Colony to the position of native labor. Public opinion, however, was emphatic that the native was an unskilled laborer and deserved no higher status. The people of the diamond fields insisted that the town as well as the

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<sup>23</sup> Griqualand West once encompassed the area surrounding the present day Kimberly. It was this area which produced South Africa's diamonds and for this reason became a separate entity until 1880 when it was absorbed into the Cape Colony. For further information, see The Official Yearbook of the Union: South African Office of Census and Statistics (Pretoria: Government Printing Office, 1950-1960).

country be based upon an economic as well as a racial distinction between white and black and the servile tradition of the farm was introduced into industry. It became a tenet of South African labor economics that skill and high wages were a privilege of the white race, while the heavy and menial tasks were the province of the blacks. South Africa's new prosperity was not built upon diamonds alone or upon the discovery of gold soon to come, but upon its least expensive resource, native labor.

The discovery of diamonds brought to South Africa the influence of a person who rose to fame, wealth and prestige. This man was Cecil Rhodes. Rhodes acquired from the native chief, Lobengula, the "concession" of the sole right to search for minerals and the right to preserve the "concession" against all intruders. Once in control, Rhodes was convinced that the area of 174,000 miles would afford a future outlet for Britain's growing population.<sup>24</sup> He believed that the African natives, as members of a weaker race, were manifestly unfit to govern the land they held and must sooner or later give way before the irresistible advance of the stronger white people.

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<sup>24</sup>Howard Hensman, Cecil Rhodes; A Study of a Career (New York: Harper and Brothers, 1902), p. 10.

Rhodes' aim throughout his career had been to bring about a reconciliation between Boer and Briton in South Africa. Second to this work, was his continuous desire to secure good and just government for the native. In 1894, as Secretary of State for Native Affairs as well as Prime Minister of the Cape, he introduced a native bill generally known as the Glen Grey Act. The bill provided that land of eight acres each be given by title to individual natives, with the right of descent from father to eldest son by the chief wife, with a system of local self-government for the natives to be improved and extended as time passed and as the "natives proved themselves fit for it."<sup>25</sup> This act further allowed any native the vote who owned a house of £75 or earned an annual wage of £50 and could write his name, address and occupation. This law was applied equally to the whites. However, it was practically impossible for the native to attain such property or education. Rhodes further advocated a labor tax of ten shillings on young native males as long as they did not work. If native males were gainfully employed, they were exempt from this tax, which was used to build a native educational system.

On native policy, Rhodes always followed a course

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<sup>25</sup> Ibid., p. 13.

which conciliated the Dutch vote and made for Union. He was against the raw native having a vote: if the native became a "civilized" man by work and education, then he was to be given the privilege. Holding that the tribal native neither understood nor desired the voting privilege, he favored a property and educational franchise. In a speech to the Dutch farmers he stated: "The natives on communal tenure must be kept as a subject race."<sup>26</sup> Rhodes' native policy could be summed up as follows: to keep the native apart from the white man; to encourage him to work; to give him control over his own affairs under the guidance of the magistrates; to give him primogeniture in land, and to educate him gradually in work and civilization. He said that "Natives are fellow tribesmen of the Druids and they have two thousand years to make up; they must be helped along the road, but they must not be thrust into a position for which they were not fitted."<sup>27</sup> In a speech before the legislature concerning the Glen Grey Act, Rhodes stated: "Natives are children and we ought to do something for the minds and brains that the Almighty has given them. I do

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<sup>26</sup> Ian D. Colvin, Cecil Rhodes (London: T.C. & E.C. Jack, 1912), p. 62.

<sup>27</sup> Ibid.

not believe that they are different from ourselves."<sup>28</sup>

Rhodes followed the policy of the British government, namely, that of expediency.

Gold was discovered in the Transvaal in 1883. This discovery added to the problem created by the discovery of diamonds. The Great Trek had brought the native and the European into contact but the discoveries of gold and diamonds drew the native from his tribe and brought him as an individual into the industrial life of South Africa. Prior to the gold and diamond rushes, the native could work on the Boer farms doing the same tasks he had with his tribe: tending sheep and cattle, growing vegetables and corn, and living an unhurried seasonal life of a farm. In this way, the Boers and natives had time to learn one another's ways and adapt accordingly. With the Industrial Revolution in gold and diamonds, there was no time to adjust and no one had time to learn or understand the native ways. A native was permitted to take his wife and family to a Boer farm, but the industrial towns of the nineteenth century were no place for women, and natives were hesitant about bringing their families to the cities, to live in crowded slums where tribal dignity, good manners, and discipline died.

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<sup>28</sup>Hensman, op. cit., p. 229.

Because of the political chaos and resultant loss of revenue for the Crown, Theophilus Shepstone was sent to the South African Republican (Transvaal) by the British government to annex the Republic to the Cape Colony. He gave as his reason the Zulu tribes' overrunning the country and thus endangering the settlers. In 1880, when William E. Gladstone became Prime Minister, he declared the annexation unjust but remained steadfast in refusing to withdraw the British flag. On December 16, 1880 the flag of the South African Republic was hoisted in rebellion. By March of the following year, British troops had suffered enormous losses with 300 killed in four engagements. This was attributable to the excellent marksmanship of the Boers.<sup>29</sup> On March 5, 1881 an armistice was concluded between a British representative and a Triumvirate consisting of S. J. Paul Kruger, M. W. Pretorius and Peter J. Joubert, representing the Transvaal. This armistice led to the establishment of the Pretoria Convention of 1881.<sup>30</sup>

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<sup>29</sup> Theal, South Africa, p. 347.

<sup>30</sup> The Pretoria Convention contained many articles dealing with the armistice and the establishment of a new government. However, for purposes of this paper only those articles dealing with the native situation will be highlighted.

Five articles in the Convention deal with the native problem.

Article XIII stated that "Natives will be allowed to acquire land but the grant or transfer of such land will, in every case, be made to and registered in the name of the Native Locations Commission, hereinafter mentioned in trust for such natives."

Article XIV stated that "Natives will be allowed to move freely within the country as may be consistent with the requirements of public order and to leave it for the purposes of seeking employment elsewhere or for other lawful purposes, subject always to the pass laws of said state."

Article XVI stated that ". . . no slavery or apprenticeship to slavery will be tolerated by said state" (South African Republic).

Article XXII stated that "The Native Location Commission shall reserve to the native tribes of the State such locations as they may be fairly and equitably entitled to, due regard being had to the actual occupation of such tribes."

Article XXVII stated that "All inhabitants of the Transvaal shall have free access to the courts of Justice for the protection and defence of their rights."<sup>31</sup>

In 1884 a second convention was established between the South African Republic and the British which stated in Article 19 that

The government of the South African Republic will engage faithfully to fulfill the assurances given in accordance with the laws of the South African Republic to the Natives at the Pretoria Pitso by the Royal Commission in the presence of the triumvirate and with their entire assent: (1) as to the freedom of the Natives to buy and otherwise acquire land under certain conditions; (2) as to the appointment of a commission to work out Native locations; (3) as to the access of the Natives

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<sup>31</sup> Eybers, op. cit., p. 367.

to the Courts of Law; (4) as to their being allowed to move freely within the country, or to leave it for any legal purpose, under a pass system.<sup>32</sup>

Land was the first concern of the Boers and cheap labor to operate this land was second, with all and any effort to achieve these concerns effected.<sup>33</sup>

Under Article 19 the London Convention secured access to the Courts of Law for the natives and freedom to move within the country or to leave it under a pass system. The South African Republic chose to treat as natives ". . . coloured British subjects, many of whom had a large percentage of European blood in their veins. They were obliged to take out passes and wear badges and they were forbidden to walk on the side pavements."<sup>34</sup>

The Dutch system of native policy found its exemplification in the Constitution of the South African Republic where the black man was, by law, barred from ever being recognized on the white man's level. He might never vote, hold property by title, trade, or legally marry. The State even set itself against his being educated or civilized.

<sup>32</sup>Bybers, op. cit., p. 368.

<sup>33</sup>John H. Bovill, Native Under the Transvaal Flag (London: E. G. Simpkin, Marshall, and Hamilton Kent and Company, 1900), p. 18.

<sup>34</sup>Our First Half Century 1910-1960 (Johannesburg: DaGama Publications Ltd., 1960), p. 192.

The Cape Colony house franchise qualifications necessitated living in a house worth at least £75; the wage qualification was the receipt of £50 per annum, and the educational qualification was to be able to write one's name and address. The Transvaal required money qualifications of £100 and £75 respectively, and the educational qualifications included the capability of reading and writing the English or Dutch language.

By 1895 the discovery of gold had caused many problems in the Transvaal. Paul Kruger was the President of the Republic and he had a strict policy of anti-native and anti-non-Boer. During this time, the town of Johannesburg had sprung to life as a boom town during the gold rush but it was kept apart from all other areas of the Republic. Those persons inhabiting the Republic who were not Boers and had not become citizens of the Republic were called Uitlanders or "Outlanders" meaning foreigners. Kruger's harsh policy in dealing with the Uitlanders placed these people on the level of the native in so far as legal rights were concerned and, as a result, a committee was formed by the people of Johannesburg. This committee planned a revolution to overthrow the government in Pretoria and establish a bona fide republic. There was much sympathy for these Uitlanders in the Cape Colony and it was there that the Uitlanders received their support. One of these

sympathizers was a doctor by the name of Jameson and for a brief moment in history he emerged as a dominant figure. The committee had planned to draw up a manifesto and revolt if it was not heeded. They were sure that Kruger would do nothing to solve the problem, so the members of the committee planned a riot to forcefully overthrow Kruger. They commissioned Jameson to stand by on the border with armed men and upon receipt of word of an uprising, Jameson was to ride in to support the rebellion. Due to various circumstances, the uprising was postponed but Jameson became impatient and crossed the border with the armed band. This alerted the Kruger forces and within one day the entire committee had been arrested and Jameson's men disbanded and captured. Insofar as this study is concerned, the Manifesto of 1895 drawn up by the Uitlanders stated some of the injustices occurring in the Transvaal that Kruger denied. The Manifesto read:

Native commissioners have been permitted to practice extortion, injustice, and cruelty upon the Natives under their jurisdiction. . . . Sources of native labor have been destroyed and large numbers of prisoners have been kept in gaol for something like eighteen months without trial. The field-cornets in various districts have recently broken up homes of large numbers of natives settled on "Uitlanders'" land.<sup>35</sup>

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<sup>35</sup> Theophilus L. Schreiner, The Black Man and the Franchise (London: E.G. Simpkin, Marshall, and Hamilton Kent and Company, 1901), p. 6.

Lord Alfred Milner was sent by the British to the Cape Colony to govern and he was considered the most able administrator in the Empire. Several of his comments were in letters sent to various associates and friends. Some of the information from these letters has been inserted here to show his attitude concerning the problems in South Africa. In a letter from Lord Alfred to Reverend Canon Glazebrook on September 29, 1897, he stated, "The Anglo-Dutch friction is bad enough. But it is child's play compared with the antagonism of white and black. That the Whites must rule is clear--But How?"<sup>36</sup> In another letter to Prime Minister Asquith, Lord Alfred advised that in the Transvaal "the Black has no rights whatever and there is neither kindness nor wisdom to restrain the brutality of the ruling oligarchy. I feel that if I fail out here, it will be over the Native Question. Nothing else is of the same seriousness."<sup>37</sup> When the Boers requested more native labor to be sent to their farms, Lord Alfred replied, "Do you want to govern more natives? Then show yourself worthy of the trust by governing better those which you already have."<sup>38</sup>

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<sup>36</sup> Cecil Headlam (ed.), The Milner Papers 1897-1899 (London: Cassell & Co. Ltd., 1931-33), p. 180.

<sup>37</sup> Ibid., p. 178.

<sup>38</sup> Ibid., p. 179.

In 1899 the Boer War ensued due to a number of reasons and causes.<sup>39</sup> Suffice it to say, one of the main problems was the treatment of the native. The treaty that concluded the Boer War in 1902 was called the Treaty of Vereeniging. The ninth paragraph of that treaty stated the native question thus: "Ninthly, the question of granting the franchise to the Natives shall not be decided until a representative constitution has been granted."<sup>40</sup> This was the extent of the treaty covering the native question. Typical of the treatment accorded the most significant problem in the South African states, it again showed the policy of expediency maintained by the British in their colonial dealings. The feeling here was that once the colonies achieved representative government, the problem would be theirs and not England's.

Following the war, further measures were passed by the Colonial Parliaments. The Parliamentary Registration Act of 1887 stiffened the registration requirements and made it clear that a share in lands held in tribal tenure

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<sup>39</sup>For a complete study of the Boer War, one of the best works is: Christian R. DeWet, The Three Years War (New York: C. Scribner and Sons, 1902).

<sup>40</sup>Sarah G. Millin, The People of South Africa (New York: Knopf Company, 1951), p. 394.

did not constitute the property qualification. The Franchise and Ballot Act of 1892 raised the economic qualifications for natives to £50 wages per year or occupation of a house and land worth £75 as well as writing their names, addresses and occupations.<sup>41</sup> In the South African Republic, "under the Boer Constitution . . . the position of the Natives was definitely that of a subject and inferior race, incapable of holding land and fit only for menial service."<sup>42</sup> In a letter to Lord Alfred Milner, Lord Joseph Chamberlain advised that "due precautions will be taken for the philanthropic and kindly and improving treatment of [the] countless indigenous races. . . . These must be insisted upon in the future."<sup>43</sup>

In a manifesto drawn up and signed by thousands of women from the Transvaal calling for their men to resist England to the bitter end, the chief reason for opposition to England was that equal rights for non-whites were enjoyed under the Union Jack. The quarrel of the Boer with England was once described as follows: "The Boer has three

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<sup>41</sup> Eybers, op. cit., pp. 73-74.

<sup>42</sup> Our First Half Century, p. 453.

<sup>43</sup> Ibid.

grievances against England: firstly, the black man; secondly, the black man; and thirdly and lastly, the black man."<sup>44</sup>

The Jameson raid, inconsequential as a military expedition, did ignite public concern over some differences: the Boers were unhappy over the Raid's causes; the Uitlanders' grievances remained unanswered; and Rhodes saw a chance to unite South Africa under British rule. This latter reason evoked bitterness among the non-British people and united them in preparation for war. In London, the news of these preparations prompted the British government to send its ablest administrator, Lord Alfred to negotiate.

Meanwhile, the native problem in Natal continued to be the Indian people. By 1896, the Indian population of Natal nearly equalled the European population and the number of Indians entering the country was increasing. Finally in 1897, the storm broke when the Durban<sup>45</sup> population rioted to prevent the landing of Indian passengers. During the riot, a young Indian already prominent in the movement for freedom, was nearly killed. This man was Mohandas K. Gandhi.

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<sup>44</sup> Theophilus L. Schreiner, The Afrikaner Bond and Other Causes (London: E. G. Simpkin, Marshall and Hamilton Kent and Company, 1901), p. 6.

<sup>45</sup> Durban, a port city on the East coast of South Africa, was the provincial capital of the Colony of Natal.

It was to Natal that Gandhi had come to experiment with his now famous theory of non-violence and passive resistance.

Act Number 8 of 1896 in Natal denied the franchise to the mass of Indians with the exception of those who were on the lists prior to passage and whom the Governor had exempted from the scope of the Act. The grounds for this were that Indians were not Europeans and were natives of a country (India) which did not possess elective representative institutions.<sup>46</sup> The Natal Native Commission recommended that "the word native shall be taken to mean an aboriginal inhabitant of Africa . . . and to include half-castes and their descendants by natives."<sup>47</sup>

Meanwhile in Basutoland<sup>48</sup> in 1893, Sir Godfrey Logden, Resident Commissioner, personally influenced a nation of natives into successful paths of peace and self-government. The natives managed their own tribal affairs while the Commissioner reserved the right of control over foreign and extra-territorial affairs.

A contemporary of the native situation in the last

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<sup>46</sup> Schreiner, The Afrikaner Bond, p. 7.

<sup>47</sup> Ibid., p. 7.

<sup>48</sup> Basutoland is an area within the Union of South Africa that is surrounded by the four provinces. Its main inhabitants are members of the Basuto tribe.

decade of the nineteenth century, Theophilus L. Schreiner, stated:

No sensible person desires that the Barbarian or uncivilized man, to which class most of the labourers in the mines belong, should be placed on the same political footing as the white man, nor that the black man still living in tribal fashion under Imperial or Colonial protection should be admitted to the right of citizenship in the State. These classes must be ruled firmly, justly, and kindly, and encouraged to advance in civilization, but to give them political rights is out of the question. While this is so, every sensible person ought to desire that under the British flag the door may even stand open . . . by which the Black or coloured British subject, resident in a state with free Parliamentary institutions, who raises himself to the level of the white man in civilization, manner of life, education, and possession property may be entitled to the same political rights as he.<sup>49</sup>

Schreiner continued concerning the native question outside the Cape Colony:

As regards the extension of the franchise to Kaffirs in the Transvaal and Orange River Colonies, it is not the intention of His Majesty's government to give such franchise before representative government is granted to these colonies and if then given, it will be so limited as to secure the just predominance of the white races. We cannot consent to purchase peace by leaving the coloured population in the position in which they stood before the war, with not even the ordinary civil rights which the government of the Cape Colony has long conceded to them.<sup>50</sup>

Subsequent to the war, there were many views toward solving or acting upon the native question. However, in his book

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<sup>49</sup> Schreiner, The Black Man and the Franchise, p. 2.

<sup>50</sup> Ibid., p. 3.

Kafir Socialism, published in 1908, Mr. Dudley Kidd described what he considered the two prevailing theories on the question thus:

On the one hand, it is proposed that we should fuse the Kafirs into our democratic, individualistic, politically separate life, ruling the natives in a parental fashion and leaving them more or less to cherish socialistic ideals.<sup>51</sup>

This period marked the departure of the colonial status of the South African states and the entrance into the era of Dominion and Union. The above views presented by Mr. Kidd were in essence the main thought throughout Africa at the turn of the century, when in a gesture of magnanimity, England granted autonomy to its former enemies and Union became a reality. As far back as 1875, Lord Carnavon, the then Secretary of State for the Colonies, suggested that a conference be held in South Africa to consider federating the various states and colonies. The next chapter will deal with such a conference, its resultant Union, and the Union's growing pains.

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<sup>51</sup>Kidd, op. cit., p. 95.

## CHAPTER IV

## THE ESTABLISHMENT OF THE UNION

At the conclusion of the South African War with the Treaty of Vereenining signed and with peace returning to the land, the Intercolonial Commission was appointed in 1903. The Commission was in session establishing its objectives until 1905 and then it dissolved. The Commission reported that in the interests of both races it was desirable to allow the native population "some measure of representation in the legislatures of the country."<sup>1</sup> The Commission report suggested the following main principles as a basis for native representation:

- 1) That no native should vote in the election of any member or candidate for whom a European had the right to vote.
- 2) That the number of members granted to native constituencies should be settled by each legislature and that at least one such seat should be granted in each of the self-governing colonies in South Africa now, and in each Colony or possession as it becomes self-governing.
- 3) That there should be separate voters' lists and separate candidates for natives only.
- 4) That the qualifications for native voters should be the same as for Europeans.

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<sup>1</sup>F. K. Matthews, "The African Response to Racial Laws," Foreign Affairs, XXX (January, 1952), 94.

- 5) That the qualifications of members to represent the natives should be determined by each legislature.<sup>2</sup>

This report set the stage for later important legislation concerning the native and coloured in the South African colonies. The separate colonial legislatures were debating the franchise issues when intercolonial difficulties helped to prepare the way for union.

The political unification of the British Colonies in South Africa was achieved on May 31, 1910. On that date, the four self-governing colonies, the Cape, the Transvaal, Natal, and the Orange Free State formed the Union of South Africa. The Constitution of the Union was set out in the South Africa Act which was drafted by a National Convention consisting of representatives of all four colonies. This legislation was formally adopted by the British Parliament in Westminster.

The chief reason for holding a Convention was due to the serious rivalry between the colonies primarily on railway tariffs and custom duties. However, another serious problem was the conflicting attitudes and policies in regard to the racial situation. The National Convention which was held in Durban, Cape Town and Bloemfontein during 1908-09 was the outcome of a proposal made by Jan Christiaan Smuts

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<sup>2</sup>Ibid.

at a Customs Conference held in Pretoria (Transvaal) in May, 1908; it was seconded by John X. Merriman, then Prime Minister of the Colony.

The nucleus of the proposal was that the interests of South Africa could best be served by a Union of the self-governing colonies under the British Crown and that Rhodesia should have the right to join such a Union. In addition, delegates to the Customs Conference were to ask their respective Parliaments to send delegates to a National Convention at which the proposed Union could be discussed and a draft constitution prepared. The proposal was adopted unanimously.

At eleven o'clock on the morning of October 12, 1908, delegates to the Convention attended a mayoral reception in the Durban town hall. General Louis Botha of the Transvaal was given a cordial welcome by the crowd and John Merriman was loudly applauded when, as Prime Minister, he replied to the mayor's speech. At 11:45 in the morning, the delegates went upstairs to the council chambers which had been equipped for their use and there beneath the portraits of Lord Milner and Joseph Chamberlain,<sup>3</sup> they

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<sup>3</sup>Joseph Chamberlain as the Colonial Secretary of the British Empire in 1895 brought new ideas to the department. His protracted negotiations with Paul Kruger partially resulted in the Boer War. In 1902, he presided over the Treaty

turned to business.<sup>4</sup> The members of the Convention included the Prime Ministers, the most prominent government members, and the leaders of the opposition; all facets of political thought as well as both the European language groups were represented. A surprising feature of the Convention was that most persons, who up to that moment had been bitter enemies, were now prepared to sit down in peace to discuss the future of South Africa.

The first order of business called for the election of the Convention President and, having been unanimously approved, Sir Henry de Villiers, Chief Justice of the Cape Colony, took office. He then delivered a carefully prepared homily to his fellow delegates, first in English and then in Dutch. He reminded them that they had a mandate "to enquire, not whether an early union was desirable, for that has already been decided upon by our principals but what form union should take and what should be the machinery for bringing it into being."<sup>5</sup>

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of Vereeniging with the Boers and thereafter, with Milner, organized the reconstruction of the two colonies of the Orange Free State and the Transvaal. In 1906 he died of paralysis. For further information, see: George B. Pyrah, Imperial Policy and South Africa 1902-10 (Oxford: Clarendon Press, 1955), p. 261.

<sup>4</sup>Sir Edgar Walton, The Inner History of the National Convention of South Africa (Capetown, 1912), pp. 38-41.

<sup>5</sup>Ibid., p. 45.

After the credentials of the delegates had been given and some procedural questions answered, Sir Matthew Nathan, the British Governor of Natal, was admitted to the Council Chambers to address the assembly. When he finished his speech he withdrew from the room and as the door closed behind him, it excluded the Imperial factor from all further direct participation in the National Convention. The conduct of its proceedings was entirely in the hands of the delegates from the South African colonies.<sup>6</sup>

During the Convention the problem of the franchise was considered and to no one's surprise there developed as many solutions as there were delegates. For the most part, the theories were maintained along geographical lines. The delegates from the Northern colonies steadfastly held to the theory of a political color bar while those from the South were more liberal thinkers and advocated a franchise for the "civilized" people. This thorny problem was first raised on October 19, 1908 and was not settled until the 3rd and 4th of November of the same year when the Convention passed its basic resolution. It stated that "the colonial franchise laws should remain in force until altered by Parliament . . . and that no law should disenfranchise

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<sup>6</sup>Ibid., p. 46.

persons actually registered as voters in any province solely on the grounds of race or colour."<sup>7</sup>

The dominant economic interest represented in the Convention was, of course, farming, and however significant the interracial and intercolonial rivalries might have been, the Convention could be counted on not to neglect the interests or to ignore the prejudices of the white farmers of South Africa, i.e., cheap labor. These interests and prejudices were bound into the Convention's results, namely, the Constitution.

After passage in the Convention, the Bill was submitted for the approval of the Crown and the Imperial Parliament in England. On the 16th of August, 1909, the South Africa Act was given its second reading in the British House of Commons and it caused a great debate. With the reading concluded, the Under Secretary of State for the Colonies, Colonel Seeley, knowing the opposing factions in the House, gave a speech. One faction stood for unadulterated passage of the Act while another favored removal of the franchise section because they wanted the British government to establish a definite law for the entire Union. In attempting to persuade passage, Seeley stated that "those

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<sup>7</sup>Ibid., pp. 154-156.

who want this Bill mean to do right and justice to all men and all races and creeds in South Africa."<sup>8</sup> He advised that the very fact of there being a vast native population . . . who have to be governed by the white races, makes it essential that one single form of government, with strength and with power and with sympathy, should pursue one common policy with regard to all native races.<sup>9</sup>

Seeley believed that if the compromise reached at the National Convention concerning the native vote was "struck out, the Union would be smashed, with results most evil for the natives whom we wish to protect."<sup>10</sup> Seeley's opposition led by M.P. Mr. Keir Hardie believed:

that it was the declared intention of a very large section of opinion in South Africa to prevent the natives coming into serious competition with the White man either in the learned professions or as property owners or in any sphere except that of a low paid worker in connection with industry--the one interest it has in the coloured peoples there is to reduce them to the position of a landless proletariat where they will be compelled to accept wages at anything that is offered to them in order to maintain body and spirit together.<sup>11</sup>

Mr. Hardie's words were to prove prophetic in the next half century. However, despite his opposition, the Bill passed by a substantial margin and became law on September 20, 1909. The Constitution of South Africa, as embodied in the South Africa Act, called for the Cape of Good Hope, Natal,

<sup>8</sup>Great Britain, 5 Parliamentary Debates (Commons), IX (1909), 958.

<sup>9</sup>Ibid., p. 953.

<sup>10</sup>Ibid., p. 959.

<sup>11</sup>Ibid., p. 991.

Transvaal, and the Orange Free State to be united in a legislative union under one government under the name of the Union of South Africa.<sup>12</sup> The Constitution stipulated that the qualifications of a Senator or a member of the House were as follows:

- d) Be a person of European descent who has acquired Union nationality whether
  - i) By birth or
  - ii) by domicile as a British subject or
  - iii) by naturalization, or otherwise . . .<sup>13</sup>

Under Section 35 of the South Africa Act the qualifications for voters were set forth and they read as follows:

Parliament may by law prescribe the qualifications which shall be necessary to entitle persons to vote at the election of members of the House of Assembly, but no such law shall disqualify any person, in the province of the Cape of Good Hope who, under the laws existing in the Colony of the Cape of Good Hope at the establishment of the Union, is or may become capable of being registered as a voter in the province of the Cape of Good Hope by reason of his race or colour, only, or disqualify any Native, who under the said Act from being so registered or alter the number of the members of the House of Assembly who . . . might be elected by the persons registered in said roll, unless the Bill embodying such disqualifications or alteration be passed by both Houses of Parliament sitting together, and . . . be agreed to by not less than two-thirds of the total number of members of both Houses.<sup>14</sup>

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<sup>12</sup>Amos J. Peasler (ed.), Constitutions of All Nations (Concord, New Hampshire: The Rumford Press, 1950), p. 225.

<sup>13</sup>Ibid., p. 129.

<sup>14</sup>Ibid., p. 230.

In the Cape of Good Hope Colony, coloured voters might qualify for the franchise if they were males, possessing or renting property valued at £75 or earning £50 per annum and if they could sign their name and write their address and occupation. In Natal, the coloured voters could have the franchise but at a slightly higher qualification. However, the Indian and native had no voice whatsoever. In the Orange Free State and the Transvaal, the voting power was restricted solely to the whites.<sup>15</sup>

The House of Assembly consisted of 153 members who were elected by single member constituencies by the ordinary process of direct election. Three of these members were to be chosen by natives possessing a moderate income and educational qualifications and living in the Cape. In truth, natives possessed no franchise except an indirect vote for the Senate in the Provinces and proportional representation was not used. Forty-four persons made up the Senate of the Union. Thirty-two were elected; eight were nominated by the Governor-General, four of whom were selected "on the grounds mainly of their thorough acquaintanceship . . . with the reasonable wants and wishes of the coloured races of South Africa."<sup>16</sup> Four others were elected by the natives

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<sup>15</sup>Ibid., p. 259.

<sup>16</sup>Ibid.

in an elaborate process of indirect election in which chiefs, local councils, and other special boards played a part. The membership in both Houses of Parliament and in the Provincial Councils was strictly limited to persons of European descent.<sup>17</sup> The representatives directly elected by the native people had to be white men.<sup>18</sup> The administration of the native affairs in the Union rested solely in the hands of the Governor-General.

A contemporary South African summed up the solution to the native question when he listed three principles guiding the future association of the races:

- 1) The white man must govern.
- 2) The Parliament elected by the white man must realize that while it is their duty to decide upon the line of policy to be adopted they must delegate a large measure of their power to those specifically qualified, and must refrain from undue interference.
- 3) The main line of policy must be the separation of the races as far as possible, our aim being to prevent race deterioration, to preserve race integrity, and to give to both, opportunity to build up and develop their race life.<sup>19</sup>

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<sup>17</sup> Ibid.

<sup>18</sup> Peasler, op. cit., p. 259.

<sup>19</sup> Maurice S. Evans, Black and White in Southeast Africa (2d ed.; London: Longmans and Co., 1916), p. 310.

The true motivation and the real purpose of these propositions was that "for good or ill the white man and what he stands for must be paramount."<sup>20</sup>

With the passage of the South Africa Act, the next order of business was the campaign and election of the first Prime Minister of the Union. The campaign was waged primarily by three candidates: F. H. P. Creswell of the Labor Party, General Louis Botha of the Afrikaner Party, and Richard Jameson of the Unionist Party. The first Union cabinet in 1910 was formed by General Louis Botha.

The election had been held provincially rather than nationally. In Natal, for the first and last time, the candidates ran as independents. In the other provinces, the Unionist Party was predominantly English in make-up and returned 39 candidates and the Labor Party elected four members. The Afrikaner Party, although primarily Dutch-speaking, gained the support of many English-speaking people and elected 66 members.<sup>21</sup> It was only after the first Parliament met that political division began to conceal and Botha was to become the leader of what came to be called the South African Party.

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<sup>20</sup>Ibid., p. 311.

<sup>21</sup>The Official Yearbook of the Union of South Africa, No. 20 (Pretoria: Government Printing Office, 1939), p. 94.

In the first years of the Union, Parliament passed two important pieces of legislation that affected the non-European peoples. One was the Native Labour Regulation Act, No. 15 of 1911 which set certain conditions regulating the recruitment of natives for work and was designed to prevent abuses. However, an important section of the Act made it a criminal offense for any native to be involved in a breach of contract.<sup>22</sup> The other Act was the Mines and Works Act, No. 12 of 1911. Although ostensibly protecting the worker by setting certain standards of working conditions, Section 4 regulated the issuance of certificates of competency in skilled occupations and such certificates "were not awarded to coloured persons."<sup>23</sup> Another piece of legislation passed was the Immigration Act of 1913 which empowered the Minister of the Interior to debar anyone from entering South Africa on social or economic grounds.<sup>24</sup>

During the initial election campaign the Labour Party had been very compromising and attempted to be appealing to the "liberals." However, in 1912, this Party officially adopted the principle of segregation when at its

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<sup>22</sup> Handbook on Race Relations (Johannesburg: South Africa Institute of Race Relations, 1959), p. 440.

<sup>23</sup> Ibid., p. 147.

<sup>24</sup> Ibid., p. 440.

annual Congress, the following was included in its Party policy: "European civilization [and] the permanent maintenance of the white community in a position of political and economic supremacy could only be preserved by segregation, as a contact-reducing device."<sup>25</sup>

In a speech in 1912, General Louis Botha, Prime Minister of the Union, believed that the solution to the native question would be found in increasing the rights of the native who needed a certain measure of self-government under white supervision in order that he might work at his own salvation and be treated justly. In a social sense, the two races could never be one, for marriages between whites and blacks were impossible. The natives needed to be improved along their own national lines.<sup>26</sup>

Another participant in South African politics, General James B. M. Hertzog, stated in 1912 that the relations between the races were unsatisfactory for the natives and more so for the European and if they continued as such, the country would no longer remain "a white man's country."<sup>27</sup> According to Hertzog, "no one desired a mingling of the races and no one wanted the white man squeezed out of the country."<sup>28</sup>

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<sup>25</sup>D. W. Kruger, Parties and Policies of the Union of South Africa (London: Bowes and Bowes, 1960), p. 360.

<sup>26</sup>Ibid., p. 361.      <sup>27</sup>Ibid., pp. 362-363.      <sup>28</sup>Ibid.

Hertzog believed that the Dutch-speaking farmers' use of the natives on their farms would cause "the ruination of the white man because they were not employing their own strength and brains but the natives."<sup>29</sup> Hertzog advised that "any solution must give the Natives an opportunity of developing along their own lines to obtain their rights as men."<sup>30</sup> He was convinced that the segregation of the native was the only solution and the government had to give the natives an opportunity to go to any part of the country where they could develop under "proper leadership and to give the white men a chance to do their duty to themselves without cheating either the native or themselves."<sup>31</sup> Hertzog suggested that the natives be forbidden to enter the European area except to earn a living, since the "economic necessity must be considered for the country."<sup>32</sup> He also suggested that the European be forbidden to enter the native area except those Europeans required by the natives themselves. Hertzog's ideas gained recognition in the Union when Parliament passed legislation in the same year, as well as in the succeeding year, 1913, implementing Hertzog's plans. This first Parliament in the history of the Union of South Africa passed

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<sup>29</sup> Ibid., p. 363.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

a bill that was known as the Natives Land Act. It was introduced with many plausible and eloquent promises of justice for the native but at the same time it embodied the ideal of segregation. This Act earmarked the existing native reserves as "scheduled" or native areas and in regard to land outside the native areas, the Act attempted to preserve the status quo, that is, the Act stated that "a Native might not acquire from a person other than a Native and a person other than a Native might not acquire from a Native any land or interests in land in any area outside the Native areas."<sup>33</sup>

Botha's policy was one of conciliation between English and Afrikaners and it soon became clear that a great many Afrikaners in the Transvaal and the Orange Free State did not support that policy. By 1912, the differences in the Party came to light when Botha and his protégé, James B. M. Hertzog, split on many issues, resulting in Hertzog's leaving the Party and forming his own Nationalist Party. Hertzog's party stood for nationalism linked with the predominance of the Afrikaner's language and based on a "South Africa First" policy.

During this same period of time another political entity was being formed. In January 1912, a group of

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<sup>33</sup>Official Yearbook, p. 455.

well-educated natives met at Bloemfontein and this meeting became as important to the native as the Great Trek was to the Afrikaner. This meeting produced the organization known as the South African Native National Council, later called the African National Congress. It was founded by four native lawyers who had returned to the Union after studying abroad. These men were Dr. P. ka I Seme, Alfred Mangena, G. D. Montsioa, and R. W. Msimang. The organization aimed to unite the various native tribes into an African nation to achieve political progress. Internal problems initially impeded the growth of this organization but it was instrumental in gaining recognition for some of the natives' grievances.

The outbreak of war in 1914 and Botha's determination to stand by the British inflamed Nationalist opinion. The Afrikaners staged a "rebellion" which was quelled by the forces of the government with relative ease. However, it added members to the newly formed Nationalist Party under the leadership of James Hertzog, who had left the ranks of the South African Party over the issue of close British relationship. In the general election in 1915, the Nationalist Party polled 77,000 votes to the South African Party's 95,000. Botha with 54 seats had the strongest party but did not command an absolute majority. He was forced, therefore,

to depend on the good will of the Unionist Party which had 40 seats. The Nationalist Party with 27 seats was a cohesive and growing party and became, in effect, the opposition.

The only legislation passed during World War I that had bearing upon the native problem was Act No. 22 of 1916, entitled the Railways and Harbours Regulation, Control, and Management Act. This Act provided that railway management could discriminate between whites and non-whites by regulating who could and could not unload ships in the harbor.<sup>34</sup>

The following year at the Savoy Hotel in London in May, 1917, Jan Christiaan Smuts delivered an address on African problems. Concerning the natives, he said:

Whether we shall succeed in solving [the] question of the black man's future depends on many factors on which no one could feel very much assurance at present. We know that on the African continent at various times there have been attempts at civilization. . . . Where are these civilizations now? They have all disappeared and barbarism once more rules over the land and makes the thoughtful man nervous about the white man's future in South Africa. . . . Who do not feel certain that our white experiment will be a success or that we shall ever succeed in making a white man's land of Southern Africa; but at any rate we intend to press on with the experiment. . . . With us there are certain axioms now in regard to the relations of white and black; and the one principle is "no intermixture of blood between the two colours." . . . It is dishonourable to mix white and black blood.<sup>35</sup>

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<sup>34</sup> Ibid., pp. 496-497.

<sup>35</sup> Jan C. Smuts, Toward a Better World (New York: World Book Company, 1944), pp. 7-10.

Again Smuts decreed in speaking before the British House of Commons in 1917:

If we are to solve the native question, it is useless to try and govern black and white in the same way and subject them to the same forms of legislation. It is hopeless to try that. They are different not only in colour, but almost in soul. They are different in political structure and their political institutions should be different.<sup>36</sup>

In July 1919, Botha died and Smuts returned from Paris to take over the reins of government. Botha's death destroyed an important bridge between the Government and the masses of Afrikaners. In March 1920, there was a general election. The Nationalists headed the poll with 44 seats; the Labour Party won 21, and the Unionists secured 25. Only by seeking the assistance of the Unionists did Smuts become Prime Minister. During 1919 and 1920, South Africa suffered native labor strikes and Smuts was preoccupied with this problem. The question of white versus black labor resulted in a bloody strike which left over 800 dead and was instrumental in Smuts' defeat at the polls in 1924, and the subsequent emergence of the Nationalist Party and Hertzog.

The big problem in Africa was the "poor white" who could not do skilled work but could not do unskilled work either, since this was "Kafir work and no white man could

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<sup>36</sup>Great Britain, 5 Parliamentary Debates (Commons), LXIV (1948), 1467.

ever stoop so low. The economy was becoming endangered due to this situation.<sup>37</sup> Because of this problem, General James B. M. Hertzog succeeded Jan Christiaan Smuts as Prime Minister in 1924.

Upon succeeding in establishing the necessary majority, Smuts established and appointed the Transvaal Government Commission which became known as the Stallard Commission after the chairman of the Commission, Colonel James Stallard. The commission was appointed to investigate the housing and control of Africans then in the urban areas. The conclusion of the Commission was that natives "should be permitted within municipal areas in so far and for so long as their presence is demanded by the wants of the white population [and] . . . should depart therefrom when they cease to minister to the needs of the white man."<sup>38</sup>

During Smuts' tour as Prime Minister, important legislation affecting the native was passed. In 1920, the Native Affairs Act established a standing Native Affairs Commission which the Minister of Native Affairs "may consult

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<sup>37</sup> "The Black Continent's White Problem," Literary Digest, CI (June 15, 1929), 17.

<sup>38</sup> Muriel Howell, "The Economic Development of the 'Reserves,'" Fact Paper No. 3 of 1959 (Johannesburg: South African Institute of Race Relations, 1959), p. 1.

as a body not necessarily representing the official point of view.<sup>39</sup> Under this Act, the Commission was an advisory body consisting of not fewer than three or more than five members appointed by the Governor-General and presided over by the Minister of Native Affairs. The Commission's function included the "consideration of any matter relating to the conduct of the administration of native affairs or to legislation in so far as it may affect the native population."<sup>40</sup> The Stallard Commission was also instrumental in the passage of the Native Urban Areas Act, No. 21 of 1923, which gave the local authorities a measure of control over the movements of natives in the towns. This Act required that all natives not employed as servants live in prescribed native areas and stated that employers could be called upon to provide suitable accommodations for natives in their service.<sup>41</sup> The Stock Theft Act, No. 26 of 1923 authorized whites to arrest non-whites "upon reasonable suspicion of offenses under this Act."<sup>42</sup>

In the 1924 election, the issue before the electorate

<sup>39</sup> Muriel Howell, Non-European Policies in the Union and the Measure of Their Success (Johannesburg: South African Institute of Race Relations, 1954), p. 2.

<sup>40</sup> Official Yearbook, p. 465.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

was simply the native question. The main protagonists were Smuts, the incumbent and leader of the South African Party, and the challenger, General James B. M. Hertzog, leader of the Nationalist Party. Hertzog, according to his biographer Oswald Pirow, was a protagonist of differentiation coupled, as long as it might be necessary, with benevolent guardianship. His basic solution to the native problem was the allocation of sufficient territory to the native to enable him to develop industrially, economically, politically, and in every other way to the highest degree of which he was capable. Pirow summed up Hertzog's native policy in the following way:

1. South Africa belongs to all its inhabitants jointly irrespective of race or colour and every section must be given an adequate opportunity to develop to the fullest extent for which its inherent talents qualify it. The fact that the supremacy of the white civilization must always be paramount is as much in the interests of the non-European, unless he is prepared to be a semi-barbarian for all time, as of the white man.
2. The coloured man must be given a place next to the European in the economic, industrial, and political spheres. Social intercourse is not desired by either party.
3. The Native voter must be removed from the common roll where he was being exploited by Europeans for party political purposes, and given a separate franchise with European representatives elected solely to serve Bantu interests.
4. The Natives must have home areas of their own to which the European would only be admitted if the interests of the Bantu demanded it.
5. The development of the Natives must be carefully supervised by a sympathetic government. It would be dangerous to forego this benevolent guardianship.

as most of the Bantu intellectuals were not prepared to lead their own race and as a half-educated native was still at heart a barbarian.

6. Ultimately, the whole of Africa south of the Sahara, would be gathered into a union of black and white states. The states would ultimately consort on an equal footing provided their respective standards of civilization had become equal.<sup>43</sup>

According to Literary Digest, the victory of Hertzog in 1924 was "interpreted by Capetown correspondents as a clear notice to the Kafirs and other colored races that they cannot, for the present, anticipate a share in South African citizenship in any form."<sup>44</sup> Hertzog proposed to give the natives a limited and indirect form of representation. "South African statesmen . . . realize . . . that the native population which is growing much faster than the whites, can not be held down indefinitely."<sup>45</sup>

From 1924 to 1939, during Hertzog's tenure as Prime Minister, the native question dominated the political scene and was given precedence over all other matters of state. In a speech on November 13, 1925, Hertzog, in no uncertain terms, brought the message to the people that the greatest internal threat to the Union was the danger of being "swamped

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<sup>43</sup> Oswald Pirow, James Barry Munnick Hertzog (Cape-town: Howard Timmins, n.d.), p. 197.

<sup>44</sup> "And Now a 'White' South Africa," Literary Digest, CII (July 6, 1929), 12.

<sup>45</sup> Ibid.

by the Bantu."<sup>46</sup> He instituted a positive program to counteract the "Black Danger."<sup>47</sup> He believed that the answer lay in more native land so that they might develop alone. However, he was quick to add, "they will still need the guidance of the white man."<sup>48</sup>

After his election, one of Hertzog's first legislative acts was the Native Taxation and Development Act, No. 41 of 1925, which declared non-payment of "poll tax" and "hut tax" and the failure to show receipts to be punishable offenses.<sup>49</sup> In 1926 the Parliament tabled four bills which embodied the administration's native policy. The first bill provided for separate native representation on a communal basis by means of seven white representatives in Parliament and four in the Senate. A partly-nominated and partly-elected Native Council with limited legislative powers was suggested by the second bill. The third referred to the allocation of lands to the natives and the fourth bill dealt directly with the native franchise.<sup>50</sup> Hertzog implemented his new "white labour policy" with statutes such as the

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<sup>46</sup>Pirow, op. cit., p. 128.

<sup>47</sup>Ibid.

<sup>48</sup>Ibid.

<sup>49</sup>Official Yearbook, p. 467.

<sup>50</sup>Tom MacDonald, Jan Hofmeyr, Heir to Smuts (Cape-town: Hurst and Blackett, 1948), p. 59.

Colour Bar Act of 1926. This Act placed the colour bar provisions of the Native Labor Regulation Act of 1911 beyond all doubt and so protected white laborers against cheap native labor.<sup>51</sup> Colonel P. A. Silburn, Hertzog's Commissioner for Native Affairs, summarized the Colour Bar Act in the following way:

By segregation only can unemployment and the "Poor White" problem be solved, for it is the unsolved native problem that is at the root of all economic difficulties in South Africa.<sup>52</sup>

In 1926, in South Africa, one white person out of ten was a "poor white," unemployed and unemployable. He was unskilled and the needs of South Africa were for skilled labor. The black man was able to perform only unskilled labor also and under Hertzog's Minimum Wage Bill, employers were required to pay the native the same wages as the whites. Therefore, the employer hired the white man and since the white man was unskilled, the skilled work was not done. Another such "white labor policy" was the Masters and Servants Amendment Act, No. 26 of 1926, which made it a criminal offense for African tenants on a white farm not

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<sup>51</sup> Sarah G. Millin, The South Africans (London: Constable and Company, 1926), p. 207.

<sup>52</sup> Paul A. Silburn, South Africa, White and Black (London: Brown, Allen and Unwin, 1927), p. 48.

to adhere to the terms of a written, oral, or implied tenancy contract.

Legislation continued to be passed that increasingly restricted the Native. In Act No. 38 of 1927, the Native Administration Act authorized the Governor-General to rule the Africans by proclamation without interference by Parliament. Under Section 29 the Minister of Native Affairs could deport any African to a certain prescribed place, if this African, according to the Minister's opinion "promoted hostility between white and black."<sup>53</sup> In that same year, the Immorality Act was passed which declared "intercourse between white and non-white to be a criminal offense."<sup>54</sup> Even these legislative acts did not appease some of the South African whites as evidenced by a statement issued by J. H. Groebler, Minister of Public Lands in 1930, who said: "We refuse to consider equality or European administration of Natives as the solution to the Native problem."<sup>55</sup> The Liquor Act, No. 30 of 1928, prohibited the supply of liquor to Africans, Indians and Coloureds, while Act No. 22 of

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<sup>53</sup> Official Yearbook, pp. 443-444.

<sup>54</sup> Raskam, op. cit., p. 56.

<sup>55</sup> Winifred Holtby, "Progress or Slavery," Nation, CXXI (November 26, 1930), 592-593.

1928, the Old Age Pensions Act, discriminated between whites and blacks in awarding the former a higher pension than the latter.

At the same time as this legislation was being passed, the Indian population of South Africa formed the South African Indian Congress. Unfortunately, this group became isolated from other such nationalistic groups and failed to gain allies. Alone, the Congress was unable to evoke even the limited degree of sympathy sometimes shown the native in subjection. In 1928, however, this Congress allied itself with the African Nationalist Congress and together they did have some impact upon African politics.

In 1929, Jan Christiaan Smuts was invited to Oxford University to give the Rhodes Lecture of that year. He chose as his topic "Native Policy in Africa." As reported by Current History on November 16, 1929, Smuts declared:

It is clear that a race so unique, so different in its mentality and culture from those of Europe, requires a policy very unlike that which would suit Europeans. Nothing could be worse for Africa than the application of a policy the object and tendency of which would be to destroy the basis of the African type to de-Africanize the African and turn him into a beast of the field or into a pseudo-European. . . . If Africa is to make her own contribution to the world . . . we shall have to . . . evolve a policy which will not force her institutions into an alien European mold, but which will preserve the unity of her own past, conserve what is precious in her past and build her future progress

and civilization on specifically African civilization.<sup>56</sup>

Smuts explained that this policy originated in South Africa and in ideas which were applied by Cecil Rhodes. He went on to say:

The new policy is to foster the indigenous native culture or system of cultures and to cease to force the African into an alien European mold. As a practical policy of native government it has worked most successfully. Gradually, the system of native councils and native self-government through their own tribal chiefs elected to councils has been extended from one native area to another in the [Union]. . . .<sup>57</sup>

In a later address prior to his reelection in 1939, Smuts stated:

In South Africa we are not based on a system of political equality. The whole basis of our particular system . . . rests on inequality. . . . In the Union, the vast majority of our citizens are black, probably the majority of them are in a semi-barbaric state. . . . We are trying to build a native system of itself apart from the white system. . . . They will manage their own affairs in all matters of local government . . . as they become politically educated and acquire administrative experience, you will have a parallel system built up. . . . We will not try to mix what cannot be mixed.<sup>58</sup>

In 1931, a major event occurred throughout the British Empire which had and continues to have repercussions in the Union of South Africa. This event was the passage by the

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<sup>56</sup> Rolston Hogden, "The Native Problem in British Africa," Current History, XXXI (January, 1930), 788-789.

<sup>57</sup> Ibid.

<sup>58</sup> Sarah G. Millin, "Smuts at Eighty," Foreign Affairs, XXIX (October, 1950), 139.

British Parliament of the Statute of Westminster. This legislation, in essence, recognized the Union of South Africa and the other dominions as sovereign states. It clearly enlarged the powers of the Union Parliament duly functioning in terms of the South Africa Act. Whatever restrictions the British Parliament had placed upon the Union or whatever check it had upon the native question, the Statute of Westminster abolished. Within weeks, the Union drafted a proclamation to amend the native code providing that the government should have power, upon issuance of a special proclamation to that effect, to imprison any native for three months without trial, which gave the black man no appeal to the courts.<sup>59</sup>

After South Africa received independence within the British Commonwealth, Parliament passed more laws restricting the native. In 1932, the Union Parliament passed the Native Service Contract Act which empowered the white farmer on whose land the African or his dependents lived to refuse a permit for the seeking of employment elsewhere.<sup>60</sup> Proclamation No. 150 of 1934, as amended, read that:

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<sup>59</sup>Edgar H. Brookes, "The Color Bar in South Africa," Current History, XXXVI (July, 1932), 432.

<sup>60</sup>Official Yearbook, pp. 466-467.

No male African of the age of eighteen years or over could enter the Transvaal or Orange Free State, or travel within the "white" areas of these provinces or leave them, unless he bore a pass issued by the [Native] Department, his employer, or his chief or headman.<sup>61</sup>

In 1936 an Act was passed in the Union which at first glance appeared to favor the native. This, however, was not true. Entitled the Representative of Natives Act, No. 12 of 1936, the legislation provided for the representation of natives on a communal basis in both Houses of Parliament and though seeming to grant the franchise to those not having any representation it abolished the rights of the natives in the Cape Province who had the same franchise as the white population.<sup>62</sup> The Act established that four senators would each represent one native electoral district and must qualify under the terms of the South Africa Act which required that they be European. The Act further stipulated that a Natives Representative Council be organized consisting of six Europeans, four nominated native members appointed by the Governor-General, and twelve elected native members. However, the Council was not

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<sup>61</sup> Muriel Howell, "The Pass Laws," Fact Paper No. 7 of 1960 (Johannesburg: Institute of Race Relations, 1960), p. 2.

<sup>62</sup> This equality stemmed from the Glen Grey Act and others, passed in the late nineteenth century as noted in Chapter Three of this study.

a legislative body but only acted in an advisory capacity.<sup>63</sup>

Shortly after the passage of the above legislation, a Congress was convened to consider the segregational policy instituted by General Hertzog and his Nationalist Party. This Congress was comprised of members from the Institute of Race Relations, chaired by Professor R. F. A. Hoernle, as well as other Nationalist Afrikaners. This Congress rejected General Hertzog's segregational policy of "rasse apartheid" defined as racial separation.<sup>64</sup> Although the Congress had no legal or civic function, the prominence of some of its members gained publicity. One of the outcomes of the Congress was that the word apartheid was used for the first time in referring to a political policy.

R. F. A. Hoernle as Chairman of the Institute of Race Relations analyzed his concept of apartheid as consisting of a:

1. racial ideal, which meant blood purity for the whites;
2. political ideal, which meant that the voting powers were held exclusively by and for the whites;
3. economic ideal, which meant preservation of the colour-bar in industry and reservation of performance of skilled work for the whites;

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<sup>63</sup>Official Yearbook, pp. 439-440.

<sup>64</sup>R. F. Hoernle, "South African Native Policy and the Liberal Spirit," The Phelps-Stokes Lectures (Johannesburg: Institute of Race Relations, 1945), p. 3.

4. socio-political ideal which meant control of African movement by pass laws;
5. social ideal, which meant that white and black would not communicate on the basis of equality;
6. general ideal, which meant segregation in parallel institutions.<sup>65</sup>

Hoernle and his Congress gave further impetus to Hertzog's policies and this resulted in more legislation restricting the native. The Arms and Ammunition Act of 1937 prohibited the issuance of firearm licenses to non-whites, and the Industrial Conciliation Act of 1937 prohibited native trade unions, excluded natives from the definition of employees, prohibited strikes by Africans, and declared absenteeism from work by natives to be a criminal offense.<sup>66</sup>

Hertzog and his policy makers might have continued on with the passage of legislation implementing their segregational policies had it not been indirectly for Adolph Hitler, who in September, 1939 assisted in Hertzog's ouster from office when he attacked Poland. Great Britain, by treaty, was pledged to defend her Polish ally and World War II was under way. The Nationalist Party opposed entering the war with Britain and many members openly sympathized with the Nazi regime. Jan Smuts allied himself and his United Party with the British and proposed that the Union

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<sup>65</sup>Ibid., p. 6.

<sup>66</sup>Raskam, op. cit., p. 57.

of South Africa actively enter the war as a member of the British Commonwealth. Over this issue, Hertzog lost a vote of confidence, resulting in new elections. In 1939, Jan Christiaan Smuts again entered the Office of Prime Minister but this time with a very considerable majority and the Union of South Africa declared war on the enemies of Britain in October 1939.

South Africa did not allow the non-European to assume a combatant's role in the war, due to the problem resulting from such service in World War I. The natives, at that time, realizing their power once armed, staged numerous riots and massacres. Vowing that this would never happen again, Smuts, therefore, refused to allow the non-whites to fight, but they were allowed to form Home Defense Battalions and many distinguished themselves for valor in their pursuits as truck drivers, couriers, etc.

During the war little attention was given to legislation regarding the natives, as the various war measures were originally intended to be only temporary. However, several measures affecting the non-Europeans were kept in effect for eleven years. One such measure was the War Measure, No. 145 of 1942, which gave the Governor-General the power to intervene in labor disputes in which African labor was involved, by appointing an arbitrator upon whose

appointment all strikes and lockouts in industry became illegal. In 1943, another piece of legislation was passed affecting the non-European. It established an Advisory Council on Coloured Affairs with 20 appointed coloured members to serve as a channel for the expression of the views of coloured people. Its creation led to serious cleavage among the coloured, for some accepted the move as a genuine attempt to improve their lot while others interpreted it as evidence that the Government contemplated removing the coloured from the common rolls.

The end of World War II brought about many changes in the political, economic, and social life in every strata of South African life. The post-war period would see the rise of white supremacy doctrines in their basest aspects and would climax the racial policies which had been developing for the past two hundred years.

## CHAPTER V

## POST-WAR SOUTH AFRICA

When all the treaties had been signed and "peace" had returned to the international stage, South Africa turned to internal affairs and the post-war period. Jan Christiaan Smuts and his United Party were in the majority in the Union Parliament. However, the Nationalist Party under the leadership of Dr. Daniel Francois Malan, was coming into its own once again. During the war, this party sought the termination of hostilities with Germany and, in many cases, openly sided with the German and Italian causes. South Africa was a hotbed of international intrigue and second only to Lisbon, Portugal, in its espionage activities. A leading member of the Nationalist Party who was later to become a Minister in the Union's government, Barend J. Schoeman, said during World War II that "the whole future of Afrikanerdom is dependent on a German victory."<sup>1</sup> In 1945 in an address to the audience attending the Hoernle Lecture, Jan H. Hofmeyr,

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<sup>1</sup>"South Africa Turns Backward," New Republic, CXIX (July 5, 1948), 9.

M.P. and Deputy Prime Minister of the Union and Minister of Finance and Education, stated that "The growth of Nazism was part of a world phenomenon . . . [and] our own national life is deeply infected with germ-cells of Nazism."<sup>2</sup> He further declared that

The South African who professes Christian doctrine must with General Smuts, regard it as an outrage to say that South Africa has a population of two and not ten millions, must repudiate the attitude of mind which openly or by implication claims that there is a divine right attaching to a white skin.<sup>3</sup>

He added emphatically:

It is true that colour prejudice does exist to a considerable extent. . . . The Native, both as participant in our common humanity and as our ward, is entitled to facilities for the development of the best that is in him . . . in all parts of the country. We cannot evade the obligation to provide these facilities to the extent of our ability.<sup>4</sup>

This lecture was instrumental in touching off a bitter fight for the control of the Union of South Africa between proponents arguing for absolute white supremacy and others arguing for a lesser degree of suppression. The leader of the latter group was the Prime Minister, Jan Christiaan Smuts.<sup>5</sup>

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<sup>2</sup> Jan H. Hofmeyr, "Christian Principles and Race Problems, Hoernle Lecture 1945 (Johannesburg: South African Institute of Race Relations, 1945), p. 15.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid., pp. 29-30.

<sup>5</sup> This study has shown Smuts' role in South African history in preceding chapters, but no mention has

A British subject in the Cape Colony of South Africa and a son of a Cape member of Parliament, Jan Christiaan Smuts was born in 1870. Well educated and well travelled, he moved to the Transvaal in his twenties, where in 1899 at the age of twenty-eight, he was the State Attorney. He was a member of a Commission that went to England in 1905 to request dominion status, and subsequent to World War I he was instrumental in drawing up Article XVI of the Covenant of the League of Nations. This international reputation led to his writing of the preamble to the United Nations Charter twenty-five years later. This preamble opened with the words, "We . . . affirm faith in fundamental human rights, in the dignity and value of the human person, in the equal rights of men and women and of nations large and small."<sup>6</sup> Due to his genius in drawing up such principles of international conduct, the world could not understand why, in a country of which he was the Prime Minister, these principles were not adhered to, and in fact were degenerating. Contrarily, Smuts believed that in the native:

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been made of his past life. Due to the nature of this study and the extreme significance of the forthcoming election (1948), Smuts' biographical sketch has been left until this chapter.

<sup>6</sup> Louis Dolivet, The United Nations; a Handbook on the New World Organization (New York: Farrar, Straus and Co., 1946), p. 4.

there is no inward incentive to improvement, there is no persistent effort in construction and there is complete absorption in the present. . . . Wine, women and song in their African forms remain the great consolations of life. These children of nature have not those social and moral incentives to progress which have built up European civilization in a comparatively short period. It is clear that a race so unique and so different in its mentality and its culture from those of Europe, requires a policy very unlike that which would suit Europeans.

In great matters of race, colour, and culture, residential separation and parallel institutions alone can do justice to the ideals of both sections of the population. This separation is imperative, not only . . . to prevent native traditions and institutions from being swamped by the more powerful organization of the whites, but also for . . . racial purity . . . . The mixing up of two such alien elements as white and black leads to unhappy social results--racial miscegenation, moral deterioration of both, racial antipathy, and clashes, and to many other forms of social evil. There is . . . no reason why segregation . . . should not be a workable and enforceable system in the future.<sup>7</sup>

In 1945, Smuts requested legislation to restrict the activities of the natives. In that year the Urban Areas Act consolidated various past measures and restricted the right of the native to move from country to town or from one town to another. This direct restriction on the freedom of movement and residence of Africans was supplemented by the general denial of the right to acquire or hire fixed property from members of other communities. All such transactions between native and non-native were forbidden by law.<sup>8</sup> Due to

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<sup>7</sup> Smuts, op. cit., pp. 39-55.

<sup>8</sup> Ellen Hellman (ed.), Handbook on Race Relations (Johannesburg: South African Institute of Race Relations, 1949), p. 229.

these restrictions, the non-European was largely denied freedom of vocation and employment. His personal privacy was inhibited by laws relating to passes, liquor, etc., which conferred wide power on the police to arrest non-Europeans without warrant, and likewise, to enter and search their homes. Thought, conscience, religion, speech, press, assembly, and association were relatively free for all classes including the native. However, these very basic freedoms not only of the non-European but also of the European were about to be restricted.

In the history of South Africa there was a constant and powerful motivating force: the Dutch Reformed Church. There was always a close identification of view between this church and the Nationalist Party. If the church was the religious expression of Afrikaner nationalism, then the government was, in effect, the political expression of the ambition and power of many, if not all, of the leaders of the Dutch Reformed Church and of the Calvinistic approach to life.

A Minister of Parliament once said:

Every Calvinist in South Africa has been taught from his youth that he is a member of a chosen race and that those of another colour are helots fit only for the hewing of wood and drawing of water. The doctrine of race superiority amongst the Dutch in South Africa is not a political doctrine. It is a religious doctrine which has been instilled into them from their infancy.<sup>9</sup>

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<sup>9</sup>Great Britain, 5, Parliamentary Debates (Commons), DCXXI (1959-60), c. 784.

Mr. Mnagaliso Sobukwe, President of the Pan-Africanist Congress, wrote:

Our energies are directed against a set-up, against a conception and a myth. This myth: others call it racial superiority, others call it herrenvolkism, others white leadership with justice or white supremacy. We are fighting against the Calvinistic doctrine that a certain nation was specially chosen by God to lead, guide and protect other nations.<sup>10</sup>

Reverend J. V. Coetzee of the Dutch Reformed Church in Potchefstroom, Transvaal, wrote:

The question out here has become one of "white supremacy" or "black hegemony". . . . Would you in America have been willing to hand over to the blacks? Just as no white American is willing to hand over "supremacy" over the U.S. to the Japanese race, in the same way the old, settled white population of South Africa is unwilling to hand over to the blacks.<sup>11</sup>

The best known product of the Dutch Reformed Church and the Nationalist Party was Dr. Daniel F. Malan who devoted his twilight years of life to the proposition that all men were created unequal and that it was the duty of good Christians to keep them that way for all time. He worked hard to carve himself a place in world history as the popularizer of the word apartheid, as the man who defied the civilized world's ideas of what human rights were, and who set up his own standards which consigned four-fifths

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<sup>10</sup> Ibid., col. 778.

<sup>11</sup> "The Dutch Reformed Church and South Africa's Race Issue," Christian Century, LXII (August 1, 1945), 877.

of the population to be second rate citizens. From 1924 to 1933, Dr. Malan was Minister of the Interior in Hertzog's government and throughout that period he supported Hertzog's native policy. In June 1933, when the Nationalist and South African Parties fused into the United Party, Malan seceded with some followers to form the "Gesuiwerde Nasionale Party" (Purified National Party). Malan believed that a fresh approach to the native question was the proper prescription to save white South Africa, and thus the policy of apartheid was in gestation. On April 5, 1938, Malan read the official election manifesto of his new party, which included the following points:

V. Colour Problems. (a) The Party aims at revision of our existing native legislation, with the object of abolishing the native franchise for the House of Assembly and the Cape Provincial Council. . . . (b) the Party will put a stop to the present wholesale buying of land by the State for the Natives. . . . (c) The Party further aims at the logical application of the segregation principle in regard to all non-Europeans, as being in the best interests of European and non-European and therefore undertakes to introduce legislation for: (1) separate residential areas, separate trade unions, and as far as practical also places of work for European and non-European; (2) Restriction of employment in certain directions to European labour only and/or in accordance with a determined, just and equitable quota for Europeans and non-Europeans; (3) separate representation for unenfranchised Cape Coloureds in our legislative bodies; and (4) the application of the Immorality Act (1927) to all non-Europeans and the prohibiting of mixed marriages and employment of Europeans by non-Europeans.<sup>12</sup>

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<sup>12</sup>Leonard M. Thompson, The Cape Coloured Franchise (Johannesburg: South African Institute of Race Relations, 1949), pp. 28-29.

In post-war South Africa, Malan changed the wording somewhat but retained the principles when he published the Nationalist Party's platform prior to the 1948 election. It stated that

The Party adopt the Christian trusteeship of the European race as the basic principle of its policy with regard to the non-European races. . . . It wants to give the non-European races the opportunity to develop in their own sphere . . . and is vigorously opposed to any mixture of blood between the European and non-European races. The Party declares itself to be in favour of territorial and political segregation of the Native, as well as of separation of European and non-European in general on residential and as far as practical, also in the industrial sphere. The Party proposes the abolition of the present representation of natives in Parliament and the Native Representative Council. The Party is strenuously opposed to any kind of political representation for Indians. The principle of apartheid will be applied to the coloured people but they must hold a privileged position over natives in European areas.<sup>13</sup>

Jan H. Hofmeyr stated:

The plain truth whether we like it or not is that the dominant mentality is a herrenvolk mentality and the essential feature of our race problems is to be found in that fact. . . . May you be prepared to say with Thomas Jefferson, "I have sworn upon the altar of God the eternal hostility against every form of tyranny over the mind of man." And here in South Africa the greatest evil of all is the tyranny of prejudice.<sup>14</sup>

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<sup>13</sup> Handbook on Race Relations, pp. 530-531.

<sup>14</sup> Edgar H. Brooks, J. D. Rheinallt, and M. Webb, South Africa Faces UNO (Johannesburg: South African Institute of Race Relations, 1947), p. 22.

In the second Hoernle Lecture in 1946, E. G. Malherbe stated:

The common point of view of the European South African is that if natives are given votes in anything like proportion to their numbers, white supremacy will be at an end and this will become a black man's country. It is with this fear in mind that many oppose even a small extension of native political rights. The most important fears are concerned with these things:--(a) the franchise; (b) miscegenation; (c) displacement in employment.<sup>15</sup>

It is this latter fear that created problems for Smuts and his United Party and gave impetus to the Nationalist Party.

The main labor problem began in September 1946 when the Native Mine-Workers Union struck the gold mines for a pay raise from 46¢ a day to \$2.00 per day. Smuts called his Cabinet and declared: "I'm not unduly concerned; the strike was not caused by legitimate grievances but by agitators."<sup>16</sup> Driven by his political opposition, the Nationalist Party, Smuts became more and more involved in the racist creed of "white supremacy." He put down the strikes with the use of soldiers, and as a result violence erupted. Due to the violence, Smuts felt some compassion for the workers and in

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<sup>15</sup> E. G. Malherbe, Race Attitudes and Education (Johannesburg: South African Institute of Race Relations, 1946), p. 10.

<sup>16</sup> "South Africa. Black Mark," Time, XLVIII (November 4, 1946), p. 40.

order to appease the natives, he met with some of the native leaders in 1947. At the meeting he offered to extend the scope of and even grant certain limited powers to the Native Representative Council and other subordinate councils. However, the main body of councillors from the Native Representative Council rejected Smuts' proposal. They stated:

In our view what is required is a policy which will give the African people a sense of security in the land of their birth, a policy which is flexible and can be readily adapted to changing conditions and varying circumstances, in short, a policy which recognizes that Africans are citizens of this country and not things apart.<sup>17</sup>

Smuts would or could not concede to their demands. However, he appointed the Fagan Commission to inquire into the operation of laws relating to native living and working conditions and if necessary, to draft legislation giving effect to its recommendation. The Commission stated:

1. As far as a policy of apartheid or total segregation is concerned, economic arguments against its practicality are overwhelming. For just as South Africa's economy requires European initiative and skill, it is equally dependent on the availability of Native labour....
2. A second possible policy, that of no racial discrimination leads one from the realm of reason and logic into the realm of sentiment and emotion, tempered by a realistic acceptance of the fact that in South Africa concepts of democracy have to be adapted to suit the heterogeneous make-up of its population. . . . It must be admitted that the reason for excluding the Native

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<sup>17</sup> Julius Lewin, Politics and Law in South Africa (London: Merlin Press, 1963), p. 37.

from the franchise is the difference in race and not because he cannot be considered as a permanent town dweller. . . . There remains then . . . the only practical line of action: namely, the acceptance that European and Native communities will permanently exist side by side, bound together by economic ties, but whose intrinsic differences necessitate recognition in legislation and administration, while allowing sufficient machinery for consultation on matters of mutual concern.<sup>18</sup>

In evidence to the Fagan Commission, the Institute of Race Relations stated that it was an undeniable fact that many Africans were permanently settled in urban areas and had no other homes. Therefore, they were entitled to some form of representation in local affairs. The Institute pointed out that no matter how well disposed a European representative might be to the natives, he must avoid at all costs giving the impression that his first concern was not the interests of his white constituents, as he was dependent on the white electorate for his position. The Institute further rejected the idea of a separate system of local government for Africans in the towns. They claimed that "a town is an intricate social and economic unit to which the native belongs."<sup>19</sup> They also stated that one section of the community could not

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<sup>18</sup> Helen Suzman, A Digest of the Fagan Report (Johannesburg: South African Institute of Race Relations, 1948), pp. 6-8.

<sup>19</sup> Lawrence Reyburn, "The Urban African in Local Government," Fact Paper No. 9 of 1960 (Johannesburg: South African Institute of Race Relations, 1960), p. 32.

be arbitrarily split from another section on which it was dependent, since, in the long run, both would be hurt in the economic results.

In 1948, Prime Minister Smuts made various proposals to African leaders for renewed contact. He suggested that the Native Representative Council be reconstituted in that the six official members be withdrawn and the nominated membership abolished and also that the number of African-elected members be increased to fifty. He proposed that the Council be granted power of subsidiary legislation for native areas and power to impose taxes on natives.<sup>20</sup> However, before these proposals had been seriously studied by the Africans, the campaign for election began in 1948 resulting in a change of governments. The proposals were withdrawn after the election.

The election campaign of 1948 revolved around one word--apartheid. The United Party led by Jan C. Smuts favored native representatives in Parliament, per the Acts of 1936, recognition of native trade unions, and maintenance of the pass laws, and the Cape Coloured franchise. The Nationalist Party headed by Dr. D. F. Malan took its stand vis-à-vis the non-European people on the basis of apartheid and stated categorically that its primary concern was "the

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<sup>20</sup> Muriel Howell, Political Status of Non-Europeans (Johannesburg: South African Institute of Race Relations, 1953), p. 6.

maintenance and protection of the white race."<sup>21</sup> On March 29, 1948, Dr. Malan published the Nationalist Party's policy in pamphlet form and distributed the pamphlets throughout South Africa. It read in part:

a. the policy of separation which has grown from the experience of the established European population of the country [has as] . . . its aim the maintenance and protection of the European population of the country as a pure white race, the maintenance and protection of the indigenous racial groups as separate communities within their own areas and the stimulation of national pride, self-respect, and mutual respect among various races of the country. . . . The Party believes that a definite policy of separation between the white race and the non-white racial groups, and the application of the policy of separation also in the case of the non-white racial groups is the only basis on which the character and the future of each race can be guided so as to develop its own national character, aptitude, and calling.<sup>22</sup>

Many factors were called into play during the campaign which resulted in victory for the Nationalist Party. The most influential factor, however, was the native question and whether any "liberalizing" of the native policy would result in the white population being suffocated in the mass of black bodies. It was fear of this suffocation and the loss of their racial superiority that persuaded the voters to elect Dr. Daniel Malan. The results of the

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<sup>21</sup> Handbook of Race Relations, p. 530.

<sup>22</sup> Thompson, op. cit., pp. 32-33.

vote were:<sup>23</sup>

The Nationalist Party	-- 70 seats
Afrikaner Party	-- 9 seats
United Party	-- 65 seats
Labour Party	-- 6 seats

Although the results did not give Dr. Malan the absolute majority he required to form a government, the Afrikaner Party allied itself with him, since their policy advocated the ideas of James B. M. Hertzog.

Was apartheid the main issue? A short restatement of the native policy of the United Party in its pre-election campaign should suffice to answer the question. The Party's official policy on native affairs was defined in the Party's constitution as follows:

(a) An earnest endeavor will be made to arrive at a satisfactory solution of the native question along lines which, without depriving the Natives of his right of development, will recognize as paramount the essentials of European civilization.

(b) The recognition of the Natives as a permanent portion of the population of South Africa under the Christian trusteeship of the European race is accepted as a fundamental principle of Native policy, together with a definite avoidance of race inter-mixture, and the promotion of a spirit of goodwill and mutual confidence between the two races as being in the best interests of South Africa.<sup>24</sup>

On May 26, 1948 the Nationalist Party with Dr. Daniel Malan formed a new government and commenced to activate a

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<sup>23</sup> Handbook of Race Relations, p. 153.

<sup>24</sup> Ibid., p. 529.

policy of apartheid. In the aftermath of the election, which surprised both sides with its results, General Smuts as a member of Parliament took issue with the new government's advocated policy concerning the natives. On September 21, 1948, Smuts declared:

. . . the policy of apartheid is . . . a false and misleading catchword intended to exploit the colour and prejudice of this country, to stampede public opinion and to make people believe that the policy of the United Party is one of equal rights and may lead to the downfall of white South Africa. . . . the intention [of the Nationalist] is to do away with the political rights of the non-European peoples in the country. . . . is it right for us to take away these very small rights which the non-Europeans have in this country? Their political rights are so limited. . . . We gaily and unconcernedly step over them, we almost stamp on them, and we walk across them and take away these small rights . . . that have been given to them. Our policy has been European paramountcy in this country. Our policy has been not equal rights. We stand and have always stood for European supremacy in this country. . . . we have a position of guardianship, of trusteeship over the non-European peoples . . . and we must carry out that trust in the true spirit of exploitation but in a way which will justify our claim to be guardians of these people. We have never been in favour of equal rights. We have always stood and we stand for social and residential separation in this country, and for the avoidance of all racial mixture.<sup>25</sup>

In the same assembly at the time of the speech was the Prime Minister, Dr. Malan, who in rebuttal stated in few words that his Party's policies toward the native were only defensive, since in the past few years the natives had

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<sup>25</sup> Kruger, op. cit., pp. 423-424.

gained considerably toward eliminating the white man. He said:

The question of the penetration of the natives, their further and further encroachment on the Europeans, so that more and more is equality coming about between European and non-Europeans, affects South Africa deeply. Our survival as Europeans depends on the solution of this problem.<sup>26</sup>

Dr. Malan maintained that the only solution was apartheid.

The policies of the new administration began to be implemented with a series of legislative acts that have continued to the present day. In November 1948, John Strijdom, then Minister of Lands, declared that opposition to the apartheid policy was "as treasonable as refusing to take up arms in the defense of one's country."<sup>27</sup>

The election of the Nationalist Party brought mixed reaction to the peoples of the world, especially to the British who were anxious to maintain the bonds of the Commonwealth. The world at large, or at least government circles, was keeping a close watch on the future of South Africa, as it was felt that as South Africa goes so goes the Continent. A press dispatch from South Africa in 1948 gave an example of the fourth estate's view of events in that country

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<sup>26</sup> Ibid., p. 425.

<sup>27</sup> John C. Hatch, The Dilemma of South Africa (London: D. Dobson, 1952), p. 62.

following the election:

A revolution is taking place in South Africa. It is not a noisy revolution. . . . Many people won't even know that there has been a revolution--till one day they wake up and find that they can never change their government. Almost the first official act of the government last June was to release Sidney Robey Leibbrandt and others convicted of pro-Nazi agitation and anti-war activities during World War II. Malan disenfranchised the Natal and Transvaal Indians. He announced that he plans to eject from Parliament the representatives of the Negroes and to deprive the "coloured" voters of their direct franchise. The Nationalist Party openly favored the establishment of an authoritarian Calvinist republic, separated from the British Commonwealth. Eric Louw, South Africa's representative to the British Commonwealth conference said, "only those would have the vote who had shown by word and action undivided loyalty to South Africa and to the Republic. This excludes all Jews, also the jingoes (English speaking South Africans)."<sup>28</sup>

The feeling was representative of the thoughts emanating from South Africa in late 1948.

It was the South African Bureau for Racial Affairs, founded in 1949 to offset the policies of the South African Institute of Race Relations, which must be credited with giving substance to the Afrikaners' concept of apartheid. The South African Bureau for Racial Affairs began with the principle of self-preservation, which was thought to be basically correct, but took into account the impossibility of refusing "political and other rights" to Africans if they

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<sup>28</sup> "South Africa. Revolution," Time, LII (October 24, 1948), 33.

were accepted as "permanent residents of the country." According to the South African Bureau of Racial Affairs, this would be immoral. To the Bureau, apartheid meant:

. . . the territorial separation of European and Bantu and the provision of areas which must serve as national and political homes for the different Bantu communities and as permanent residential areas for the Bantu population or the major portion of it. It was the only sensible and at the same time scientifically founded native policy, since any other concept results in total integration and subsequent equalization.<sup>29</sup>

In 1949 an event occurred that gave impetus to the fears propounded by the Nationalist Party. On Thursday, January 13, in Durban, South Africa, a native boy of fourteen had words with an Indian shop assistant of sixteen and he slapped the latter's face. The Indian boy lodged a complaint with his employer, also an Indian, who then assaulted the native boy. The boy accidentally cut his head when a mass of natives were congregating. When they saw an Indian adult assaulting a native boy and drawing blood, "they went berserk and attacked every Indian in sight."<sup>30</sup> The riot lasted for over twenty-four hours, resulting in 142 deaths and 1,087 injured.<sup>31</sup> The riots were caused in part by the

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<sup>29</sup> "Integration or Separate Development," Fact Paper (Johannesburg: South African Bureau for Racial Affairs, 1952), p. 30.

<sup>30</sup> Maurice Webb and Kenneth Kirkwood, The Durban Riots and After (Johannesburg: South African Institute of Race Relations, 1949), pp. 7-8.

<sup>31</sup> Ibid., p. 8.

government's theory that Indians and Coloureds should be given precedence over the native. The government allowed the riots to continue until no further use could be gained from them. As soon as the Indian community of Durban buried their vengeful spirit and met with the native leaders to work out an agreement, the government immediately dispatched special police and soldiers to the scene to disburse the mobs.

For its first two years, Malan's government did not implement its policies with any great haste, because of its lack of a hard core majority in Parliament and because of the refusal of its ally, the Afrikaner Party, to concede to all their whims. In 1950, after receiving more votes due to the Durban riots, the Party launched an intensive legislative campaign to activate the apartheid concept with a speech given by Edward G. Jansen, the Minister of Native Affairs, when he said in part:

The Government's policy includes territorial apartheid but it goes much further than that. . . . it wants to ensure that it is consistently and effectively applied. In Urban areas, Natives who are entitled to live there will . . . have to be housed in their own locations and where they are at the moment living among the Europeans steps will be taken to remove them. If it does happen in the future that the Europeans can do without the services of the Natives, the ideal of total apartheid . . . may become practical politics. Until such time we shall have to confine ourselves to what is practicable.<sup>32</sup>

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<sup>32</sup> Edward G. Jansen, Native Policy of the Union of South Africa (Pretoria: State Information Office, 1950), pp. 14-15.

The Population Registration Act, No. 30 of 1950, was passed the following year. This Act performed two functions: that of race classifications based on appearance and general acceptance and repute, and that of providing for the compilation of a register of the population and the issuing of identity cards; and that of allowing the government to compile dossiers on those who opposed the government.<sup>33</sup> The Suppression of Communist Act, No. 44 of 1950, was also passed. This Act defined Communism to include

not only the doctrine of Marxian socialism but also any doctrine or scheme which aimed at bringing about any political, industrial, social, or economic change within South Africa by the promotion of disturbance or disorder, or by unlawful acts or omissions, or which aimed at the encouragement of feelings of hostility between black and white, the consequences of which were calculated to further the achievement of doctrines or schemes such as those mentioned.<sup>34</sup>

The Tomlinson Commission (Commission for the Socio-Economic Development of the Bantu Areas within the Union of South Africa) was appointed in November, 1950, by the government to conduct an exhaustive inquiry into and report on a comprehensive scheme for the rehabilitation of the native areas with a view to developing within them a social structure in keeping with the culture of the native and based on

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<sup>33</sup> Handbook of Race Relations, p. 457.

<sup>34</sup> Gwendolyn M. Carter, The Problems of Inequality: South Africa Since 1948 (New York: F. A. Praeger, 1958), p. 81.

effective socio-economic planning.<sup>35</sup> The Commission report stated:

. . . the people of South Africa will have to make a clear and definite choice between the alternatives of the complete integration of the two main racial groups or their separate development. The Commission is convinced that no middle course is likely to be satisfactory and after careful consideration it recommends that the alternative of separate development be adopted and considers this the only possible solution.<sup>36</sup>

In the 1950 presidential address to the Institute on Race Relations, Mrs. A. W. Hoernle stated that "there is at present no intention to create separate native states or to give any national independence to African groups. . . .

There is no question of ultimate final responsibility in national affairs for the non-Europeans."<sup>37</sup>

With each succeeding month and year the new government of the Union continued to impose restrictions upon its citizens, both black and white. The philosophy of the Malan government increasingly became less palatable to the other nations of the world. On May 16, 1951, Prime Minister Malan informed the Assembly of the United Nations that the

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<sup>35</sup> Hobart Houghton, The Tomlinson Report (Johannesburg: South African Institute of Race Relations, 1956), p. 1.

<sup>36</sup> Ibid., p. 3.

<sup>37</sup> Mrs. Arthur W. Hoernle, Presidential Address, Twentieth Annual Report (Johannesburg: South African Institute of Race Relations, 1950), p. 5.

Government of the Union of South Africa found two of the draft rights under the United Nations Covenant of Human Rights unacceptable because they were in conflict with laws established in the Union. These draft rights in the Covenant were:

. . . all those who are lawfully in the State must have freedom of movement and choice of domicile within the State; and everyone is to have freedom of thought, conscience and religion as well as the right to proclaim it in public. Freedom of speech and of opinion will be enjoyed by all.<sup>38</sup>

The legislature of the Union of South Africa passed several bills which affected the citizenry of the Union. These were the Separate Representation of Voters Act, No. 46 of 1951; the Suppression of Communism Amendment Act, No. 50 of 1951; and the Bantu Authorities Act, No. 68 of 1951. The Separate Representation of Voters Act provided that the coloured voters of the Cape be placed on separate rolls, thereby ending the last vestiges of franchise remaining in South Africa for the non-white.<sup>39</sup> The Suppression of Communism Amendment Act defined and extended the scope of a Communist by including also "any person who . . . encouraged in any way the achievement of any objects of Communism or had at any time been a member or active supporter of any

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<sup>38</sup> Handbook on Race Relations, p. 16.

<sup>39</sup> Ibid., pp. 7-8.

organization which in any way furthered any of the objects of Communism."<sup>40</sup> This Act allowed the government more latitude in suppressing any and all opposition to the government. The Bantu Authorities Act abolished the Native Representative Council which had been established in 1936.<sup>41</sup> Bills similar to the above continued to be passed down through the years and in fact are in effect to the present day, with each succeeding bill restricting the citizens more and more.

On November 30, 1954, Daniel F. Malan resigned as the Prime Minister and was succeeded by John Strijdom. Strijdom was more of a proponent of apartheid than Malan, and Strijdom's implementation of that policy forced a new era of tragedy upon the Union. This tragedy was a result of the concept of "trusteeship" which virtually made a slave out of the native.

On June 26 and 27, 1955, the Congress of People met at Kliptown near Johannesburg, and was attended by 3,000 delegates from the African National Congress, the South African Indian Congress, and the National Union of the Organization of Coloured People. Although the meeting was broken up by police on the second day, the delegates had time to adopt the Freedom Charter. This meeting and its fruits raised

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<sup>40</sup> Ibid., pp. 9-10.

<sup>41</sup> Ibid., pp. 11-12.

danger signals for the government in declaring non-European solidarity. The preamble to the Charter read:

We, the people of South Africa, declare for all our country and the world to know: that South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of all people, that our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality; that our country will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities; that only a democratic state, based on the will of all the people can secure to all their birthright without distinction of colour, race, sex or belief; And therefore, we the people of South Africa, black and white together, spare nothing of our strength and courage, until the democratic changes here set out have been won.<sup>42</sup>

Immediately subsequent to the signing of this Charter, the meeting was broken up by order of the Prime Minister. However, from this Charter, the natives and coloured peoples drew strength and advanced further in their fight for representation and freedom.

On September 3, 1958, Prime Minister Strijdom died of a heart attack and was immediately succeeded by Dr. Henrik F. Verwoerd, whose native policy precipitated events which led to the withdrawal of South Africa from the British Commonwealth. Verwoerd's policy provided for absolute apartheid, that is complete separation of the races. He advocated strict enforcement of the pass laws. Through

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<sup>42</sup> Carter, op. cit., p. 486.

Verwoerd's efforts, the Promotion of Bantu Self-Government Act, No. 46 of 1959, was passed. This law returned to the enforcement of former laws relating to the identifying of each of the various African communities with its own land in the Reserves, and secondly, of ensuring that natives entered the white areas as migrant laborers only.<sup>43</sup> The enforcement of this law and more strict application of the pass laws precipitated another tragic event in the following year.

On March 21, 1960, 5,000 native men, women and children demonstrated against the stringent enforcement of the pass laws. The government claimed that these demonstrators were armed and the police, therefore, opened fire from armored cars. Many persons were killed and thousands were injured in the ensuing chaos. Stemming from this incident, the government began arresting hundreds of people of all races who held moderate views on apartheid and meted out punishment to the "offenders." One example of the punishment received for breaking the apartheid laws was as follows: "Any African or non-white sitting on a public bench reserved for a white man can be fined £300 or given three years im-

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Muriel Howell, Legislation and Race Relations (Johannesburg: South African Institute of Race Relations, 1963), p. 16.

prisonment, or whipped ten times."<sup>44</sup>

The above incident became known as the "Sharpsville Massacre," and has been used as a point of departure for the development of oligarchy. More laws restricting the freedom of every citizen of South Africa were passed, but suffice it to say that this massacre aroused the citizens of Great Britain and other Commonwealth countries. The aroused citizenry forced Parliament to take up the South African native question once again. However, this time, Parliament urged action at the Conference of Commonwealth Ministers which resulted in the withdrawal of the Union from the Commonwealth.

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<sup>44</sup> Great Britain, 5, Parliamentary Debates (Commons), DCXXI (1959-1960), c. 776.

## CHAPTER VI

## CONCLUSION

The Union of South Africa entered the lonely waters of isolationism in 1960 when the country "withdrew" from the British Commonwealth. Since the Conferences of Commonwealth Ministers were secretive, the actual minutes or details which transpired were not made public. However, many things which happened prior to the 1960 Conference led one to believe that some pressure was exerted upon Verwoerd to withdraw from the Commonwealth rather than be expelled.

One such event was the passage of a resolution in the British House of Commons on April 8, 1960, which read in part:

Resolved, that this House, deplored the present racialist policies now being pursued by the South African government under which non-Europeans are consistently denied normal human and political rights . . . urges Her Majesty's Government to take opportunity at the forthcoming Commonwealth Prime Ministers conference to bring home to the South African Government, the strong feelings of the British people on this question.<sup>1</sup>

The Conference of Ministers met from the 1st to the 13th of May, 1960. In October of the same year, the Union

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<sup>1</sup>Great Britain, 5, Parliamentary Debates (Commons), DCXXI (April 4-14, 1960), c. 843.

of South Africa held a referendum to decide whether the Union should remain a member of the Commonwealth or whether it should become a "Republic." The electorate chose the latter and the Union was to withdraw from the Commonwealth on the same day as a "Republic" was to be formed. The date set for this event was May 31, 1961.

In March, 1961, Prime Minister Harold MacMillan, in reporting to the House of Commons on the Prime Ministers Conference, said:

What shocked the Conference was that the policy of the present South African Government appeared to set up . . . an unhappy practise . . . as a philosophy of action for the future. This philosophy seemed altogether remote from, and indeed, abhorrent to the ideals toward which mankind is struggling in this century. . . . This apartheid therefore transposes what we regard as a wrong into a right. . . . The Prime Minister of South Africa with an honesty which one must recognise, made it abundantly clear beyond all doubt that he would not think it right to relax in any form the extreme rigidity of his dogma, either now or in the future.<sup>2</sup>

On March 17, 1961, Prime Minister Verwoerd withdrew the application of the South African government to remain in the Commonwealth after May 31, 1961.

From the conception of the Union of South Africa to the present day, the only difference in governmental policy has been a matter of degree. In the first cabinet formed by Louis Botha, the natives were allowed partial representation

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<sup>2</sup> Ibid., c. 444.

and a quasi voice in governmental affairs. Jan Smuts followed suit with his policy of trusteeship until the cabinet, formed by James Hertzog in the 1920's. Hertzog instituted more restrictions on the native but attempted to be somewhat more lenient toward the coloured person, albeit the latter was far from equal to the white man.

It was during Hertzog's tenure as Prime Minister of the Union that the policy of apartheid began to take form and substance. Hertzog implemented this policy with legislation throughout his ministry.

It would seem that until Daniel Malan was elected in 1948, the various governments of the Union performed a role similar to the nobles in pre-modern Europe, in that they maintained a "noblesse oblige" policy. The matter of trusteeship seemed akin to the feudal policies in Europe prior to the Industrial Revolution. From 1948 to the present, however, any pretext at giving the native equality even in the future, was removed. From Malan to Verwoerd, the restrictions became progressively more numerous to the point that in order to restrict the natives and the Asian citizens alike, it became necessary to place similar restrictions upon the white populace.

The spirit of the policy of apartheid has been an essential ingredient throughout the history of South Africa,

as noted in the preceding chapters. Apartheid was defined in Chapter I of this study, and part of that definition included the following: "the maintenance and perpetuation of the individuality (identity) of the different colour groups . . . and of the separate development of these groups. . . ."

In 1657 Van Riebeeck issued a notice prohibiting the Hottentotts from being received into the white dwellings, and commandos were organized to annihilate the Bushmen. This policy even then served to separate the races. In 1795, the Earl of Macartney, who was the first British Military Governor of the Cape, issued a proclamation excluding all Kafirs from the colony, and a few years later the Kafirs were driven back to the Fish River. In 1809, pass laws were instituted in the colony to restrict the movements of the natives. A few years later, the Fiftieth Ordinance passed in 1828 revoked the liberties of the non-white races in regard to choice of domicile and employment.

The Transvaal Volksraad resolution of 1855 excluded all natives from citizenship, and in 1859 the Transvaal Constitution indicated that the people did not desire equality of the races. All of these policies were a form of apartheid, only under the guise of another name.

In the 1870's Theophilus Shepstone conceived a system of Native Reserves administered by the natives under the

direction of whites. This policy laid the cornerstone for apartheid philosophy. A section of the London Convention of 1884 allowed for the appointment of a Commission to work out native locations, but the Constitution of the South African Republic (Transvaal) barred the black man from any form of freedom. From the dawn of white history in South Africa to the present decade, the mass of black men in the area of South Africa has caused great fear. The fear felt by the majority of white men is, namely, that should the native be allowed freedom, he would completely assimilate the white race and with it all the culture and tradition of hundreds of years. This fear has caused the white men to maintain a policy of complete separation of the races. Albeit, at times, the Cape Colony allowed the non-whites some representation, as did the Union of South Africa in its embryonic stages, the one tenet adhered to most closely, was the prevention of the non-whites from living among the white population and thus preventing any possibility of miscegenation.

The more the non-white populace struggled to gain some foothold in the door of freedom, the more the incumbent party restricted them. The policy of apartheid, that is absolute apartheid, has been termed ridiculous by many Commissions appointed by the various governments. It seemed that the more thorough the Commissions' reports, the more

legislative acts implementing apartheid were passed.

In the present decade, South Africa has established itself as a self-perpetuating white oligarchy. Each succeeding month brings more news of further implementation of the policy of apartheid. There is no longer the slightest trace of Jan Smuts' more liberal policy of trusteeship. This is evidenced by Senator John H. Grobler of South Africa, who stated in November 1962:

The fundamental idea of separate development is political separation and not in the first place physical separation. . . . [The Native] would only become a danger when he is granted political rights.<sup>3</sup>

Thus the present day administrators are but augmenting, to a much greater degree than was ever realized by their predecessors, an apartheid policy that had its roots firmly entrenched in the minds of the white South African since the founding of the colony. Whether it be called separation, segregation or any other word that has come down through the centuries, the present day policy of apartheid is but an extension of all the former policies.

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<sup>3</sup> Olive D. Schreiner, "South Africa--United or Divided," Presidential Address, 1964 (Johannesburg: South African Institute of Race Relations, 1964), p. 8.

## BIBLIOGRAPHY

Primary Sources

Eybers, George W. (ed.). Select Constitutional Documents in South Africa's History 1795-1910. London: n.n., 1918.

Fitzpatrick, Sir James Percy. The Transvaal from within; a private record. London: n.n., 1899.

Green Book No. 1. Pretoria: State Archives, 1894.

Hancock, Sir Keith. The Smuts Papers. London: Athlone Press, 1956.

Headlam, Cecil (ed.). The Milner Papers, 1897-1899. London: Cassell and Company Ltd., 1931-33.

Hofmeyr, Jan H. South Africa. New York: McGraw-Hill, 1952.

Jansen, Edward G. The Native Policy of the Union of South Africa. Pretoria: State Information Office, 1950.

Joshi, Pranshankar S. The Tyranny of Colour; a study of the Indian Problem in South Africa. Durban: E. P. Company, 1942.

Official Yearbook of the Union; South African Office of Census and Statistics. Pretoria: Government Printing Office, 1950-1960.

Our First Half Century 1910-1960. Johannesburg: DaGama Publications Ltd., 1960.

The Parliamentary Debates. Edited by Thomas C. Hansard. London: Wyman and Company, 1900- .

Peasler, Amos J. (ed.). Constitutions of All Nations. Concord, New Hampshire: The Rumford Press, 1950.

Smuts, Jan C. Toward a Better World. New York: World Book Company, 1944.

South African Institute of Race Relations. Annual Reports.  
Pretoria: Government Printing Office, 1950-60.

South West Africa and the Union of South Africa, the History of a Mandate. Pretoria: Government Printing Office, 1946.

Walton, Sir Edgar. The Inner History of the National Convention of South Africa. Capetown: n.n., 1912.

#### Secondary Sources

Allighan, Garry. Curtain Up on South Africa. London: T. V. Beardman, 1960.

"And Now a White South Africa," Literary Digest, CII (July 6, 1929).

Bovill, John H. Native Under the Transvaal Flag. London: E. G. Simpkin, Marshall, and Hamilton Kent and Company, 1900.

Brookes, Edgar H. "The Color Bar in South Africa," Current History, XXXVI (July, 1932).

—. The Native Reserves of Natal. Capetown: Oxford University Press, 1957.

—, J. D. Rheinalt, and M. Webb. South Africa Faces UNO. Johannesburg: South African Institute of Race Relations, 1947.

Buxton, Sidney C. B. General Botha. London: J. Murray, 1924.

Campbell, Robert. South African War 1899-1902. Baltimore: Johns Hopkins Press, 1908.

Carter, Gwendolyn M. The Problems of Inequality; South Africa Since 1948. New York: F. A. Praeger, 1958.

Cloete, Stuart. Against These Three; a Biography of Kruger, Rhodes, and Lobengula. Boston: H. Mifflin Company, 1945.

Colvin, Ian Duncan. Cecil Rhodes. London: T. C. and E. C. Jacks, 1912.

\_\_\_\_\_. The Life of Jameson. London: E. Arnold, 1922.

Crafford, Francis. Jan Smuts, a Biography. Garden City, New York: Doubleday, Doran and Company, 1943.

Curtis, Lionel. With Milner in South Africa. Oxford: Blackwell Company, 1951.

Davitt, Michael. The Boer Fight for Freedom. New York: Funk and Wagnalls Company, 1902.

DeKiewiet, Cornelius W. A History of South Africa; Social, and Economic. Oxford: Clarendon Press, 1941.

\_\_\_\_\_. The Imperial Factor in South Africa; a Study in Politics and Economics. Cambridge: University Press, 1937.

DeWet, Christiaan R. Three Years War. New York: C. Scribner and Sons, 1902.

Dolivet, Louis. The United Nations; a Handbook on the New World Organization. New York: Farrar, Strauss, and Company, 1946.

"The Dutch Reform Church and South Africa's Race Issue," Christian Century, LXII (August 1, 1945).

Evans, Maurice S. Black and White in Southeast Africa. 2nd ed. London: Longmans and Company, 1916.

Galbraith, John S. Reluctant Empire: British Policy on the South African Frontier, 1834-54. Berkeley: University of California Press, 1963.

Gibbs, Henry. Background to Bitterness: The Story of South Africa 1652-1954. London: Muller Company, 1954.

Gordon-Brown, A. (ed.). The Year Book and Guide to Southern Africa. London: Robert Hale Ltd., 1965.

Hammond, John H. The Transvaal Trouble. New York: The Abbey Press, 1900.

Handbook on Race Relations in South Africa. Edited by Ellen Hellman. Johannesburg: South African Institute of Race Relations, 1959.

Hatch, John C. The Dilemma of South Africa. London: D. Dobson, 1952.

Hensman, Howard. Cecil Rhodes: A Study of a Career. New York: Harper and Brothers, 1902.

Hobson, John A. The War in South Africa; Its Causes and Effects. London: Nesbitt Company, 1900.

Hoernle, Mrs. Arthur W. Presidential Address, Twentieth Annual Report. Johannesburg: South African Institute of Race Relations, 1950.

Hoernle, R. F. A. South African Native Policy and the Liberal Spirit. The Phelps-Stokes Lectures. Johannesburg: South African Institute of Race Relations, 1945.

Hofmeyr, Jan H. Christian Principles and Race Problems. Hoernle Lecture 1945. Johannesburg: South African Institute of Race Relations, 1945.

Hogden, Rolston. "The Native Problem in British Africa," Current History, XXI (January, 1930).

Hooker, LeRoy. The Afrikaners. Chicago: Rand McNally and Company, 1900.

Holtby, Winifred. "Progress or Slavery," Nation, CXXI (November 26, 1930).

Houghton, Hobart. The Tomlinson Report. Johannesburg: South African Institute of Race Relations, 1956.

Howell, Muriel. "The Economic Development of the Reserves," Fact Paper No. 3 of 1959. Johannesburg: South African Institute of Race Relations, 1959.

. Legislation and Race Relations. Johannesburg: South African Institute of Race Relations, 1963.

. Non-European Policies in the Union and the Measure of Their Success. Johannesburg: South African Institute of Race Relations, 1954.

. "The Pass Laws," Fact Paper No. 7 of 1960.  
Johannesburg: South African Institute of Race Relations, 1960.

. Political Status of Non-Europeans. Johannesburg: South African Institute of Race Relations, 1953.

"Integration or Separate Development," Fact Paper, South African Bureau for Racial Affairs. Johannesburg: South African Bureau for Racial Affairs, 1952.

Jansen, Ernest G. Native Policy of the Union of South Africa.  
Pretoria: State Information Office, 1950.

Keppel-Jones, Arthur. South Africa; A Short History.  
London: Hutchison University Library, 1961.

Kidd, Dudley. Kaffir Socialism and the Dawn of Individualism; An Introduction to the Study of the Native Problem.  
London: A and C Black, 1908.

Kruger, D. W. Parties and Policies of the Union of South Africa. London: Bowes and Bowes, 1960.

Lewin, Julius. Politics and Law in South Africa. London: Merlin Press, 1963.

MacDonald, Tom. Jan Hofmeyr, Heir to Smuts. Capetown: Hurst and Blackett, 1948.

MacKenzie, Douglas W. South Africa, Its History, Heroes, and Wars. San Francisco: J. Dewing and Company, 1889.

Malherbe, E. G. Race Attitudes and Education. Johannesburg: South African Institute of Race Relations, 1946.

Mansergh, Nicholas. South Africa, 1906-61; The Price of Magnaminity. New York: Praeger Company, 1962.

Marquard, Leopold. The Peoples and Policies of South Africa. London: Oxford University Press, 1962.

Matthews, P. K. "The African Response to Racial Laws," Foreign Affairs, XXX (January, 1952).

Millin, Sarah G. The People of South Africa. New York: Knopf Company, 1951.

\_\_\_\_\_. The South Africans. London: Constable and Company, 1926.

\_\_\_\_\_. "Smuts at Eighty," Foreign Affairs, XXIX (October, 1950).

Neame, Laurence Edwin. The History of Apartheid; The Story of the Color War. New York: London House and Maxwell, 1963.

Pirow, Oswald. James Barry Munnick Herzog. Capetown: Howard Timmins, n.d.

Pyrah, George B. Imperial Policy and South Africa, 1902-10. Oxford: Clarendon Press, 1955.

Raskam, K. L. Apartheid and Discrimination. London: A. W. Sylhoff, 1960.

Reitz, Francis W. A Century of Wrong; The Boer-British Case. London: n.n., 1899.

Report of the United Nations Commission on the Racial Situation in the Union of South Africa. Pretoria: Government Printing Office, 1953.

Reyburn, Lawrence. "The Urban African in Local Government," Fact Paper No. 9 of 1960. Johannesburg: South African Institute of Race Relations, 1960.

Robertson, Hector M. South Africa: Economic and Political Aspects. Durham: University Press, 1957.

Schreiner, Olive D. "South Africa--United or Divided," Presidential Address, 1964. Johannesburg: South African Institute of Race Relations, 1964.

Schreiner, Theophilus L. The Afrikaner Bond and Other Causes. London: E. C. Simpkin, Marshall, Hamilton Kent and Company, 1901.

\_\_\_\_\_. The Black Man and the Franchise. London: E. G. Simpkin, Marshall, Hamilton Kent and Company, 1901.

Silburn, Paul A. South Africa. White and Black. London: Brown, Allen and Unwin, 1927.

Smuts, Jan Christiaan. Jan Christiaan Smuts; a Biography. New York: Morrow Company, 1952.

"South Africa. Black Mark," Time, XLVIII (November 4, 1946).

"South Africa. Revolution," Time, LII (October 24, 1948).

"South Africa Turns Backward," New Republic, CXIX (July 5, 1948).

Suzman, Helen. A Digest of the Fagan Report. Johannesburg: South African Institute of Race Relations, 1948.

Theal, George M. South Africa. London: G. P. Putnam and Sons, 1894.

—. Native Races of South Africa. London: G. P. Putnam and Sons, 1898.

"The Black Continent's White Problem," Literary Digest, CI (June 15, 1929).

Thompson, Leonard M. The Cape Coloured Franchise. Johannesburg: South African Institute of Race Relations, 1949.

—. The Unification of South Africa, 1902-10. Oxford: Clarendon Press, 1960.

Webb, Maurice, and Kirkwood, Kenneth. The Durban Riots and After. Johannesburg: South African Institute of Race Relations, 1949.